

**Town of Halfmoon Planning Board**  
**Meeting Minutes – January 13, 2014**

Those present at the January 13, 2014 Planning Board meeting were:

**Planning Board Members:** John Ouimet – Chairman  
Don Roberts – Vice Chairman  
Rich Berkowitz  
Marcel Nadeau  
Tom Ruchlicki  
John Higgins  
Lois Smith-Law

**Planning Board Alternates:** Margaret Sautter  
Robert Partlow

**Director of Planning:** Richard Harris  
**Planner:** Paul Marlow

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Ouimet opened the January 13, 2014 Planning Board Meeting at 7:01pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the December 9, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the December 9, 2013 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Higgins recused himself from the vote. Vote: 6-Aye, 0-Nay, 1-Abstention. Motion carried.

**Public Hearings:**

**13.118 PH Ballard Subdivision, Smith Road – Minor Subdivision**

Mr. Ouimet opened the public hearing at 7:03pm. Mr. Ouimet asked if anyone would like to have the notice read. Mr. Ouimet read the Ballard public hearing notice. (*A copy of the Ballard Minor Subdivision public hearing notice is on file in the Town's Planning Department*). Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing the applicant, Mr. Tom Ballard, in his request for a 3-lot subdivision. The parcel is located on the westerly side of Smith Road approximately 1,400 FT north of Vosburgh Road. The parcel also abuts Eleanor Court to the north. The proposal is to subdivide the 16-acre parcel into 3-lots. Lot #1 would be approximately 0.75 acres, Lot #2 would be approximately 2.50-acres and Lot #3 would be approximately 12.50 acres. The access to Lot #3 is located off of Smith Road at an existing curb cut. Lot #1 and Lot #2 are proposed to have a common driveway with an ingress/egress easement for utilities from Eleanor Court along a 60 FT wide strip of land that the

Town owns on the extension of Eleanor Court. All 3 parcels would be serviced by public water and public sewer. The layout is set up so that there are no wetland impacts. Mr. Ouimet asked if anyone from the public wished to speak. Mr. John Dunsic stated the following: My property abuts this proposal and I just have a few questions for Mr. Rabideau. Regarding the dotted blue line on the plans; is that the perimeter of the wetlands? Mr. Rabideau stated that is correct. Where is the line for the 100 FT non-disturbance zone? Mr. Rabideau stated the following: This wetland complex through here is Army Corp of Engineers (ACOE) jurisdiction and it is not New York State Department of Environmental Conservation (NYSDEC) so, there is no 100 FT adjacent area. If it was NYSDEC, it would have that, but it has been deemed just ACOE wetlands. Mr. Dunsic asked when was this deemed not NYSDEC wetlands? Mr. Rabideau stated it is not on the NYSDEC mapping. Mr. Dunsic stated isn't it on the map as R46? Mr. Rabideau stated no. Mr. Dunsic asked have you spoken to the NYSDEC in Warrensburg about this project? Mr. Rabideau stated yes we have. Mr. Dunsic stated as far as sewer; I'm assuming that they are tying into Kingsbrook Estates here with or without grinders and asked is there a sewer line along Smith Road in this vicinity or not? Mr. Rabideau stated there will be a pressure sewer up along Smith Road here that is proposed for these lots that were created last year on Mr. Ballard's land on the east side of the road so, they will tie into that. Mr. Dunsic stated the following: The house that is proposed; is that going to be within the existing water district extension? Also, what about these 2 houses? Is there going to be a water district extension here or are they going to tie in as an outside district? Mr. Rabideau stated the following: That I'm not sure of, but I believe they are in the water district. If not, they will get public water. Mr. Nadeau stated there is water on Smith Road. Mr. Rabideau stated that is correct. Mr. Dunsic stated so, even if this is say 200 FT beyond the right-of-way, they can still tie in and it would just be an outside district extension. Mr. Rabideau stated the following: No. My understanding is that if the land abuts the road, the entire parcel is within the district and there would be no extension. Mrs. Murphy stated the following: I think we're just mixing apples and oranges. The line is in the right-of-way, but the district may or may not encompass the property as a whole. The district isn't where the line is; it's the area that can access the water. Mr. Rabideau stated right. Mr. Dunsic stated I'm looking at 3 houses here; are these going to be single-family or duplexes? Mr. Rabideau stated all 3 will be single-family homes. Mr. Dunsic stated the following: They may or may not be built. As this is configured right now; there is all this open space. This is the last open space, to my knowledge, on this entire block. Because I'm an abutter and I've had significant trouble with some of the adjoining developments, I'm wondering if your client would be willing to include a 50 FT no-disturbance buffer along this line down to my angle iron and that would be for no cutting and no digging. Mr. Rabideau stated the following: At this point in time, no; because of the environmental constraints with the wetland corridor and this is basically too steep to build on anyway by Town standards. This is only house that is really going to be built in that area because of the constraints. So, in essence, you're only going to have 2 here and you can't disturb this. So, basically this is about the only spot where a house can go. Mr. Dunsic stated the following: Which goes back to my request. Despite your assurances here at the public hearing, I'm going to be living next to whatever comes in. Would your client be willing to include a 50 FT non-disturbance buffer? Mr. Rabideau stated no. Mr. Dunsic stated so; he would not be willing to do that. Mr. Rabideau stated I have not been authorized to say that. Mr. Dunsic stated the following: Okay. Would your client be willing to include a provision either on this map or a revision of this map or on a proposed deed that the property not be further subdivided or re-subdivided? Mr. Rabideau stated no. Mr. Dunsic stated the following: I think I'm looking at a Trojan horse here and I'm very suspicious because you're talking about a 12.61 plus or minus acres in the Town of Halfmoon. Things being the way they are in the Town, I'm really suspicious unless we have a safeguard along this line and maybe some assurance that this last

piece of open space at least remains semi-open. I'm really leery about this proposal. It has been a bad experience all around with the subdivisions that you folks have approved and I'm looking at what I think is a Trojan horse. I'm just saying that I object to not having that protection of the buffer and the protection of not having a re-subdivision or further subdivision of the property. Mr. Amanda House from 20 Smith Road stated the following: Will there be any sort of privacy fencing? There is no buffer here for my yard. Occasionally Mr. Ballard allows hunters to go back that way and when they are there, it's a full on-view and I'm just curious if anything can be done to preserve a little bit of greenspace along here or maybe to put up a large fence. Mr. Rabideau stated the following: Not at this point in time. It's one of these situations where her improvements are relatively close. It's a situation where the house will have to go back in this area anyway. So, it would be just a driveway and it behooves our client to whoever buys that to minimize the impact anyway for their own screening purposes. Mr. Ouimet asked what is that hash line on the driveway; is that a fence? Mr. Rabideau stated that's just the proposed water and sewer line laterals. Mr. Berkowitz asked is there a fence there already? Ms. House stated the following: That is like a livestock fence. This is pretty flat and kind of starts dropping back; is this before it starts dropping back? Mr. Rabideau stated that is correct. Ms. House stated the following: Mr. Ballard seems pretty amenable to us walking over on his property. If we walked over, would we be able to see where the proposed foundation is going to be for this house? Mr. Rabideau stated we don't have anything marked out there at this point in time, but it's setup so that it's close to where it starts going down and that's about as far back as it can go. Ms. House stated and that's pretty much what prevents the rest of this from being developed, correct? Mr. Rabideau stated that is correct. Ms. House stated it's the fact that the grade is too steep for anything to get back there with any reasonable expectation of safety. Mr. Rabideau stated that is correct. Ms. House stated as far as the sewer goes; is it going to extend the length of Smith Road, correct? Mr. Rabideau stated the following: I don't believe it's going the length of the road at this point in time. It's probably going to go up to about here maybe. Ms. House stated it's public sewer so I will be able to tie into that, correct? Mr. Rabideau stated it will be so, that is correct. Ms. House stated so; it's coming in from Anthony Road. Mr. Rabideau stated no, it's Vosburgh Road. Mr. Carl Neumann from 23 Eleanor Court stated the following: Basically, Lot #1 is in my backyard. In terms of the access through this road, you had mentioned that this is 60 FT. So, in terms of the actual driveway and in terms of the actual trees that would be cut to create that access, could you tell me a little bit about that? Mr. Rabideau stated the following: The intent is to have a common drive for both buildings in here so, it's beneficial for them to minimize the clearing for the drive and the utilities going back, but it has to be a wide enough clearing to meet the fire codes. So, it's not going to get cleared like normal right-of-way. It's just basically to get the driveway through. Mr. Neumann asked is there a minimum width on the driveway? Mr. Rabideau stated the following: I believe the minimum would probably be at least 16 FT wide with lawn area on both sides shouldering for the utilities. So realistically, I can see clearing maybe 25 FT wide. Mr. Neumann stated the following: A similar question in terms of Lot #1 and again, we have a pool right here and we've been there for about 11 years. So again, the privacy aspect is of interest. So, would they be willing to put up some sort of evergreen shield of trees along this lot here to help insure privacy? Mr. Rabideau stated the following: We're in a situation where looking at the aerial photos; your pool is right about here and you have kind of cleared right to the property line and ours is wooded. So, we have natural vegetation already even though it is deciduous. One of the advantages in this situation is that at least your backyard is like this and more than likely their backyard is like this so, it's not like you're looking right at them to minimize the visual impact. Mr. Neumann stated again, would they be willing to put in some evergreens or anything like that just to provide some shielding? Mr. Rabideau stated not at this point in time because we have the vegetation on our

side already. We're in a situation where, unfortunately, you've cleared to your line. So, you have none and we have some. It's kind of unfair for us to be screening his lot. Mr. Ouimet asked is it your intent to clear it directly to your line? Mr. Rabideau stated no, because we feel the house is going to be right there anyways and because of the orientation of the houses looking like this, it's almost halfway between the side yard and the rear yard just because of the orientation. If it was like this; yes, because he is looking right at us, but fortunately we're at an angle. So, that does minimize it. Mr. Ouimet stated right at an angle, but you could clear theoretically right to the edge of your line. Mr. Rabideau stated the following: It wouldn't make any sense because you're buying a wooded lot to clear the whole thing off. That just doesn't make sense. Mr. Nadeau asked Mrs. Murphy for clarification on the Town ordinance on buffering residential to residential. Mrs. Murphy stated the following: He's saying it's already buffered, but there isn't a requirement with regards to buffering in between residences. Obviously, if he wanted to provide screening; he could replant what he cut along the road, but there isn't a requirement that you build a fence or a buffer when you're residential to residential. Mr. Neumann stated the following: Okay. Again, given that there are no houses here and this house really isn't impacted much; is there some way to perhaps reconfigure this so that the house offset is more over in this area. Again, that would provide both houses with more privacy in some way. Mr. Rabideau stated the following: We did look at that, but it's a situation where Lot #1 does impact your lot the most and there is no question about that. However, we feel that this works to keep the development away from the wetland area as much as possible including the driveway and the utilities and things of that nature. Mrs. Margaret Sautter, 30 Cambridge Avenue, stated the following: I have a question that was brought up by the gentleman in the back about the NYSDEC wetlands. Are you saying that there are no NYSDEC wetlands on this lot? Mr. Rabideau stated correct, they are ACOE wetlands. Mrs. Sautter stated the following: I don't know why I have this note down here, but I do have a map and I have that approximately 25% of the land is NYSDEC wetlands. Class 1 is 4.52 acres. So, I just think that because of his statement and his surprise, we're up here. You are going right across the Anthony Kill and this is affected by the Northern Halfmoon Generic Environmental Impact Statement (GEIS). Mr. Rabideau stated the following: The NYSDEC has determined that it is not NYSDEC wetlands. The mapping they have is the old mapping, which you can tell that it is really incorrect, because it is all through Christopher Way and that doesn't exist. Mrs. Sautter stated so; they have determined that the Anthony Kill is ACOE. Mr. Rabideau stated yes, that's ACOE. Mrs. Sautter stated the following: I just think that should be looked into further because he is correct regarding the buffers and those buffers around this area should be 100 FT and streams should be 25 FT with a no-cut buffer. So, I would just verify that if you could because he brought it up and somehow I have it in my notes. *(Editor's note: The Planning staff verified post-meeting that the NYSDEC wetlands are present on these parcels).* Mrs. Sautter stated I must have looked at it at some point when someone else brought it to my attention. Mr. Ouimet closed the public hearing at 7:22pm. Mr. Ouimet asked the Board if they had any questions. Mr. Berkowitz stated at the northern end where Mr. Dunsic is, is that non-buildable? Mr. Rabideau stated that is correct. Mr. Berkowitz stated but you're unwilling to give him a 50 FT non-cut buffer. Mr. Rabideau stated we're in a situation again where he's got plenty of buffering. Mr. Berkowitz asked it's non-buildable, right? Mr. Rabideau stated at this point in time yes. Mr. Berkowitz stated so, just give it to him. Mr. Rabideau stated if we don't have to, we'd prefer not to. Mr. Berkowitz stated it's non-buildable and that was your words exactly. Mr. Nadeau stated to my knowledge I believe that is an all wooded area back there. Mr. Rabideau stated it is, yes. Mr. Berkowitz stated that's my point; just give it to him to give him some peace of mind and they are never going to use it. Mrs. Smith-Law stated the following: I'll have to agree with that. If you're standing here and saying that it is non-buildable and there are trees on it already, why don't we just guarantee that? Mrs. Murphy stated the following: If the

applicant is willing to do it, that's fine because there isn't an ordinance that we could enforce. Just so we're clear. Mr. Berkowitz stated yes, I understand that. Mr. Rabideau stated the following: Right. That just sets a bad precedent for things and we prefer not to. Mr. Ouimet stated the following: I think you might want to rethink that. I think you are setting a bad precedent with this Board even though we can't require that you do it, but it's probably a good neighborly thing to do. Mr. Rabideau stated I guess if I'm getting my arm twisted, I guess we're going to have to do it. Mrs. Murphy stated okay, for the record; you're not getting your arm twisted. Mr. Ouimet stated I'm not twisting your arm. Mr. Rabideau stated no but, I guess that it behooves us to probably put a 50 FT buffer on that no-cut buffer. Mr. Berkowitz stated it doesn't cost anything. Mr. Ouimet stated the following: What about on the Neumann property? Is there any strong reason that your client doesn't want to agree to a non-disturbance of maybe 10 or 15 FT if nothing else? Mr. Rabideau stated in light of the fact of the previous discussion and the fact that that would probably make more sense, a 15 FT no-cut would be acceptable. Ms. House asked where that area was for the no-cut buffer? Mr. Rabideau pointed the area out on the map and stated that his lawn area goes right to our line. Mr. Ouimet stated well, let's take a look at that end of the property. Mrs. Smith-Law stated I just don't see where this cost your client anything. Mr. Rabideau stated oh no, this is fine, but we can't really do much for that because of the narrow nature of the access. Ms. House stated it opens up right in front of the house. Mr. Berkowitz asked are there trees there now or is it wide open. Ms. House stated yes, there are trees there now. Mr. Higgins stated the following: I disagree because if the people are clear cutting their property right to the property line, I don't think that we should impose upon the neighboring property line when they are both residential sites. If somebody wants to have a buffer, they can put the buffer on their own property. It's not that this is a commercial site; these are both residential sites and if they are clear cut to their property line and if they want a buffer, then they can put a buffer up. I feel we're being unfair to the applicant in this case asking him to do that. As far as a no-cut buffer; that's one thing, but asking him to come in and put up buffering when the neighbors have clear cut right to their property line. Again, I don't think it is fair. Mr. Nadeau stated I agree with Mr. Higgins. Mr. Berkowitz stated but we're not asking them to do that at least for the top two properties. Mr. Higgins stated yes, exactly. Mr. Ouimet stated the following: I'm a little confused because we're not asking them to do anything other than not removing anything. Mr. Higgins stated no, the subject of buffering on the lower property was coming up and that's why I said that I disagree with asking the applicant to put buffering in. Mr. Ouimet stated I don't think we're asking them to put buffering in. Mr. Higgins stated then I apologize because I thought that was the question. Mrs. Smith-Law stated I think we're asking them to not disturb what is already there on that property line as well with the 10 to 15 FT. Mr. Ouimet stated we're not asking you to install anything. Mrs. Smith-Law stated right, we're not asking you to install anything. Mr. Higgins stated but as Mr. Rabideau said, it's very tight there to begin with and he only has a limited area to deal with. Mr. Rabideau stated yes, that's the problem. Mr. Ouimet stated the following: That is along the proposed driveway and it's not the back of the existing house. I think we're talking about the back of the existing lots. You said it is wood now, correct? Mr. Rabideau stated I believe it's like overgrown brush type of vegetation and it's brushy or a grown up field type deal. Mrs. Murphy stated the following: I just need some clarification and I'm sure that the Planning staff does with regards to the resolution. I heard the applicant agree to a 50 FT no cut, I heard the applicant agree to a 15 FT no cut and I did not hear the applicant agree to any kind of third no disturbance. I may have misheard, but the Planning staff is looking at me asking as well. Mr. Harris stated yes, we need some clarification regarding which parcels and what restriction. Also, we would ask that that be incorporated onto the plan. Mr. Rabideau stated right. Mr. Harris asked are there any deed restrictions? Mr. Rabideau stated no; once it's on the map, it's basically a deed restriction. Mr.

Higgins stated also, confirmation of the wetlands. Mr. Harris stated I just want to request that that be added to the final plan before the Chairman's signature. Mr. Rabideau stated that is correct. Mr. Marlow stated also, I talked to emergency services and they asked that those private driveways meet all New York State Code regulations and Mr. Frank Tironi, Director of the Town's Water Department, specifically mentioned how he wants pipes run for the water and I can email Mr. Rabideau on that and let him know what he needs. Mr. Rabideau stated okay. Mrs. Murphy stated the following: Just so the applicant is aware; those lots you would have to do and they are just putting it into the resolution as kind of a new way of doing things in January. You have to build pursuant to what fire code states. Mr. Rabideau stated right, section 503-511. Mrs. Murphy stated correct, same as the water.

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

Mr. Roberts made a motion to approve the minor subdivision application for the Ballard subdivision conditioned on a revised plan be submitted that includes the following: (1) a 15 foot No Cut Buffer along the northern edge of Lot 1 and 2 adjacent to the lands of Neumann and Nealon; (2) a 50 foot No Cut Buffer along the northern edge of Lot 3 adjacent to the lands of Dunsic; (3) a 15 foot No Cut Buffer along the southern edge of Lot 3 along the lands of House, in an area currently labeled 209' in length, (4) all requirements requested by the Director of Water related to water service for the new parcels; and (5) all private driveways meet the requirements of the NYS Fire Code. Mr. Nadeau seconded. All-Aye. Motion carried.

#### **06.185 PH      Princeton Heights, Princeton Street – Major Subdivision**

Mr. Ouimet opened the public hearing at 7:33pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Ms. Nadine Shadlock, Esq., counsel for Belmonte Builders, stated the following: We appear before you tonight to give a little bit of introductory material before the start of the public hearing. We had the pleasure of being before the Board on November 25, 2013 at which time we took the opportunity to update the entirety of the Planning Board with what we have been working on since the February 25, 2013 public informational meeting on this project. We have been in to talk to certain members of the Planning Board back at the end of August 2013. As explained at our last meeting, we took the time to basically go through every single comment that was made at the February 25, 2013 public informational meeting. We went through every single comment made by each member of the public and we dissected them, we broke them down into topics including traffic, noise, neighborhood quality of life, water, sewer, wetlands, stormwater runoff and we broke everything down into an excel spreadsheet, which I went through with Ms. Shelly Johnston, Mr. Jason Dell and Mr. Peter Belmonte. We ended up with a final distilled product, which we believe substantially addressed and explained what our thinking was, how our thinking had changed and how I believe we have worked through many of the issues that were raised by the public and by the members of the Planning Board. What we proposed tonight is basically to have a summary presentation from Ms. Johnston on the issues of traffic and noise and Mr. Dell on the balance of the issues. Mr. Jason Dell from Lansing Engineering stated the following: First I would just like to go over a couple of the major plan changes and I'll save the remainder for later on in the presentation. The first revision that we had made to the plan after the public hearing the last time was that we moved road "A" approximately 30 to 40 FT towards the east to pull it away from the Northway a little bit further to give it more of an expansive buffer area. So, we were able to pull the houses in this area further away from the Northway to give a bit of a bigger buffer. Additionally, we are now showing on the plan a 50 FT no-cut buffer along the

Northway corridor on the backside of those lots. In addition to the 50 FT no-cut buffer we're proposing to supplement that with additional evergreen plantings along there. The size and the density of those evergreen plantings; we would have a landscape architect from our office work with CHA's landscape architect to determine the appropriate size and density of the evergreens there. Additionally, there were several comments on the last go around about folks near the entrances and exits from the subdivision and how headlights would impact their residences. So, what we are showing on our plan now are areas where we are proposing to do a landscape buffer or some form of an impediment for the headlights coming in. The applicant has agreed to work with the homeowner's at those locations in order to come up with a mutually agreeable solution for that. Additionally, we were asked to look at an existing drainage issue that occurs over on Manchester Drive where there is a flatter area that currently now accumulates stormwater and drainage and causes an icing problem in the wintertime. I met with Mr. John Pingelski, Superintendent of the Town's Highway Department, out there to take a look at that and what we had agreed to do was include several catch basins that would then pull that drainage off of Manchester Drive to eliminate it from flowing further down Manchester Drive and ponding and that we would bring that into the subdivision and if possible get it to the stormwater basin and at a minimum get it to the drainage corridor that would convey it out there easily. Additionally, Mr. Pingelski and I looked at an existing culvert under Newcastle Road that experiences some ponding on the uphill side now during larger storm events. We looked at it as part of this project and we would look to upsize that culvert from a 24 inch culvert to a 30 inch culvert. I will get into some more of the drainage further into the presentation. Ms. Shelly Johnston, Traffic Engineer from Creighton Manning Engineering, stated the following: We have been working with the developer, Mr. Belmonte and his development team for several years now. The Board is aware that we have been doing multiple traffic impact studies, updates to the traffic impact studies and data collection that's been very extensive in the neighborhood looking at numerous intersections surrounding the site on multiple occasions over several years. I just want to address a few of the comments that we heard at the last public meeting just to see if we can highlight some of the responses that we have provided to the Town. One was with regard to trip generation, which is the estimate of how much traffic the project will generate once it is fully developed, and 51 homes will generate roughly speaking approximately 51 trips plus or minus during the peak hours. For the traffic impact analysis we look at the peak hours during the week days and that's the industry standard. That trip generation estimate is based on our traffic counts at existing single-family residential developments similar to this and similar to the one that is proposed. We did traffic counts at existing residential subdivisions in numerous suburban locations in the Capital District including Halfmoon, Clifton Park, Colonie, Guilderland and in a number of locations and time and again we've proven that single-family homes generate about 1 trip per house during the peak hour. As a point of reference, we also counted the entrances to the existing Northwood and Oakbrook subdivisions and those two developments together are generating a lower trip rate and right now they generate at about a .7 trip per unit during the peak hour. So, that just gives you an idea of the trip generation. Once we have that trip generation we distribute the traffic and we have multiple points of access, which helps to distribute the additional traffic generated by the project. We have the one access out to Manchester and two points onto Princeton Street. Those points of access help to distribute the additional traffic to minimize the impact at any one location. We then looked at the background growth rate and there were some questions before about what we use for a background growth rate and in this case we used 2% per year and included other proposed and approved projects in the vicinity of the site. When you add the traffic generated by our project to all of the intersections that we've studied, the greatest impact is about 25 trips during a peak hour and those trips are a very small percentage. The impact from those additional trips on the operation of any of those

intersections is negligible. The results are the pre-development operation of those intersections is going to be the same post-development after the project is developed. There was a question previously about an accident analysis and the Board and the public requested that we look at accident history in the area. We looked at 3 years of data from 2009 to 2012 and as you might guess the highest number of accidents was at the intersection with the highest volume, which is Grooms Road and Woodin Road. That intersection had about 17 accidents over a 3 year period, which is about 6 per year and 82% of those accidents were due to driver inattention or failure to yield the right-of-way and most of them were on wet or icy road conditions. Again, the traffic generated by this project will not change that existing condition. There was some question about traffic volumes and updating our analysis and we have done that on numerous occasions. We've counted the traffic at those study intersections on multiple occasions over several different years and our analysis is the same at each time. We have validated the numbers and the results of those analyses. In addition, the Town's designated engineer, CHA has reviewed all of our traffic impact studies and has concurred with the results. The next issue was with regard to noise. Creighton Manning Engineering also did a noise analysis and we looked at approximately 10 locations. Originally when we did the noise analysis we measured existing noise volume in the area and as you might guess, the predominant source of noise is the Northway. As you move further away from the Northway, the existing noise levels decrease. We looked at the impact of construction the homes and clearing the vegetation on those existing levels of noise and our project will change those decibel levels by about 1 to 3 decibels. That is imperceptible with that level of impact on the existing neighbors that are in that area. The predominant noise generation will still be the Northway after this project has been built. To mitigate the impact of the noise on the neighbors; as Mr. Dell said, we have moved the road to try to increase the buffer area and we're maintaining a 50 FT minimum no-cut buffer, we're adding additional evergreen plantings to mitigate that and in addition, our modeling took into consideration that the noise attenuation that's created by the building of the homes themselves. So, that's how we got to the conclusion that CHA has reviewed and confirmed that the project will have a negligible impact on noise levels in the area. Mr. Dell stated the following: Another item that came up at the last public hearing was the walkability of the new neighborhood with respect to the old neighborhood and Northwood neighborhood itself. The existing roads out in Northwood are approximately 20 FT wide and the new roads for the proposed subdivision will be designed and constructed in accordance with the Town of Halfmoon road cross section, which is 32 FT wide. So, we feel that the walkability in the proposed neighborhood will be provided by additional 12 FT of roadway that will be provided based upon the required road width for the Town. We were also asked to take a look at the impact that the proposed project would have on the school district. We did contact the school district and a representative from the school district indicated that the school projections for enrollment are based upon New York State projections as well as proposed projects and project projections that are sent to the school district from the Town Planning Boards and this project was sent to the school district back in December 2012. So, our project has already been included with the future enrollment projections for Shenendehowa. It was also reported back in December and I believe it was in Community News weekly that the projections for the Shenendehowa School District are actually going to be decreasing as of about 2018. Light impact to the existing neighbors; I have briefly touched upon it before as it was something that came up at the last meeting quite often with respect to headlights shining into the residences. As I mentioned before, the applicant is willing to work with those homeowner's affected to come up with a mutually agreeable solution to each one of those areas. A question came up as to the date of the last topographic survey that was performed out there and the topographic survey was last done and updated in May 2013. So, the topographic information that we are currently using is current and it matches up nearly



identical to what we had on the original plans. The wetlands areas; we currently have approximately 1.34-acres of wetlands on the project property and we are going to be disturbing approximately 225 SF for a wetland crossing for the road. We will be going to the Army Corp of Engineers (ACOE) to get a wetland disturbance permit. There has been some discussion about previous applications of this project that did indicate 6.9-acres of wetlands on the project site. However, when there was 6.9-acres of wetlands on the site, that was when the project was proposed for a 182-units Planned Development District (PDD), which included properties to the south. So, since it's no longer the PDD and it's now the straight 51-lot conventional subdivision, those parcels located to the south are no longer part of it. So, now we are down to the 1.34-acres of ACOE regulated wetlands. We were asked to take a look at the capacity of the sanitary sewer in the area and we did contact the Saratoga County Sewer District and Mr. Grant Eaton, the collections manager, did give us a letter indicating that there is ample capacity in the receiving lines as well as the pump station that we would be discharging to. So, there is adequate sewer capacity. There was also a question relating to existing water pressures in the area and being adequate to supply the project. I also contacted Mr. Frank Tironi, Director of the Town's Water Department, and Mr. Tironi did issue a letter to us indicating that there is adequate pressure in the Northwood development that would accommodate the proposed 51 residences. We did have some discussion the last time with a question that related to the existing conditions of the drainage as well as proposed stormwater. Stormwater; approximately 25-acres of our site flows towards the north and 10 plus acres flows towards the south and east. Then we have a couple of small areas under existing conditions that flow towards the east. The proposed conditions for the subdivision; we are going to manage stormwater from the developed portions of the site; the roads, the houses and the driveways via the storm sewer collection that will discharge to two stormwater management areas located at the north end of the site and the south end of the site. This stormwater management area will discharge to the existing stream channel, which flows towards the east and under Newcastle Road. The stormwater management area located on the south side of the project site will collect stormwater from the south side of the project; detain it and discharge that water towards the south, which ultimately wraps around through Dunsbach Road. The post-development stormwater will be less than or equal to the existing condition stormwater that's out there right now. The last time around there was a question as to how we get all of the stormwater to the basin and if there was going to be a berm. On the backside of the houses; what we would typically do is grade the lots such that we pull as much of that stormwater towards the front of the lot. This is a very standard practice and a very typical way of grading a site where a swale is formed between the two houses; as the houses are built up, there tends to be an elevation difference between the two property lines and a swale is formed, which directs the stormwater towards the road and ultimately to the stormwater management system. As part of the stormwater management system, we would be looking and we will be able to collect as much stormwater as possible in an area that both Mr. Pingelski and I looked at during a site meeting where we agreed that we would be able to collect that and mitigate that problem for the Town as much as possible and pull that towards the front. Ms. Shadlock stated the following: One thing that I wanted to mention that we talked about the last time that we haven't talked about at all tonight, which I think is very relevant based upon the conversation we just had on the previous presentation. Thirty-nine percent of the existing vegetation will be preserved on this project and it includes substantial buffers all the way around the parameter of the project and between the homes in the inner part of the project. We believe this will afford consistent corridors for the beauty of the project. Ms. Johnston pointed out earlier that it will have the sound deadening affects, but it will also provide a continuity of existing undisturbed brush and trees for wildlife, which was something that was mentioned at the February meeting and we understand the concerns on that as well. Basically in

conclusion; we have a wonderful project here with 51-lots and all the lots meet or exceed the Town's subdivision standard for single-family homes. We have multiple access points, which serves to distribute the traffic north and south without impact on any one individual neighborhood or street and we believe we have a very nice walkable community with, as Mr. Dell pointed out, a wider road and roadbed that exist in many of the older surrounding neighborhoods, which will afford a nice exercise and walkable neighborhood for the enjoyment of our residents and the surrounding property owners. Also, as Mr. Dell pointed out, we are interested in working to resolve existing drainage issues in the neighborhood for the improvement of the Manchester Drive area. These are existing problems that are not being addressed and we believe these are very very strong off-site benefits, which further support our request the last time for preliminary plat approval. Mr. Ouimet stated the following: Before I open this up to the public, I just want to state that in February of last year we had a public hearing on this project and the project has not significantly changed from back in February 2013. The reason why this Board asked for tonight's public hearing is because we collectively felt that the public did not get good answers to their questions and inquiries the last time. So, hopefully tonight everybody is in place here and all the homework has been done, if you will, to answer your questions. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Wes Johnston, 8 Newcastle Road, stated the following: I would like to talk about drainage. I'm not a very technical person but I have a dead cellphone here that has pictures of my house from this summer and I would like to pass it around. The picture shows my garage and my shed. You can scroll through to see some different pictures there, but the drainage currently is not adequate and adding a 6-inch larger ductwork underneath 8 Newcastle Road is not going to take care of that. This has happened four times in 27 years and I'm here to tell you that if it happens one more time, because we're adding more water to that drainage basin, it's not going to happen. I would have been here in December, but I was in the Caribbean. Mr. Dell stated Mr. Johnston's home is in the area where we are proposing the upgrade to the stormwater. Mr. Ouimet asked are you referring the off-site improvement on Newcastle? Mr. Dell stated yes, on his property that is where the swale and the creek line comes into a blocked up structure. Block meaning the retaining wall block on either side, which then goes down to the 24-inch pipe and within that 24-inch pipe prior to it there is a small weir so, it's backing water up further. So, upgrading that pipe from a 24-inch to a 30-inch culvert actually has a substantial affect and if you look at the hydraulics of it, the inlet capacity of a 30-inch pipe verses a 24-inch pipe is almost double. So, with 1 foot of surcharge on a 24-inch pipe, we can get about 25 CFS (Cubic Feet per Second) through there, but with 1 foot of surcharge on a 30-inch pipe, we can get about 41 CFS through there. So essentially, yes it is a 6-inch pipe diameter difference, but we're nearly doubling the capacity of that pipe. Mr. Ouimet stated well, I'm not a hydraulics engineer so, what I see is that if you added 1 ounce of water to the existing flow it would negatively impact on this gentleman's property. Mr. Dell stated the following: Correct. The combination of the upgrade to that pipe as well as the stormwater management systems on our property, he would not see an additional impact. Mr. Ouimet stated but you are proposing to access this drainage channel, are you not? Mr. Dell stated we are proposing to upsize the pipe. Mr. Ouimet stated and access it? Mr. Dell asked access meaning to upsize the pipe? Mr. Ouimet stated no, to upsize the pipe and to access the drainage channel from your project. Mr. Dell stated our project stormwater basin will discharge to the channel. Mr. Ouimet stated okay, so you're going to be discharging it to the channel. Mr. Dell stated correct, but we're not increasing the rate of stormwater discharge. Mr. Ouimet stated no, but you're adding stormwater to it. Mr. Dell stated correct. Mr. Ouimet stated and I understand that you're not increasing the rate? Mr. Dell stated correct. Mr. Roberts stated so; do you think a larger pipe is needed? Mr. Ouimet stated I think it's clearly needed now. Mr. Roberts stated that's what I mean, yes. Mr. Dell stated our existing conditions modeling of that

area showed that as well and also verified by the neighbor across the street that I talked to when I was there and his property also floods. Ms. Kathy Kowsky, 132 Dunsbach Road, stated the following: I'm also representing Mr. Paul Gregor who owns the corner of Dunsbach and Cambridge. For the lady talking about the traffic studies; I have been the primary weeder for my parents garden for the last 15 years and I've never seen anybody sitting there taking any traffic studies. I will say that there is a lot of traffic and somebody is going to get killed very soon because they do not stop at the stop sign on Cambridge. They come plowing out and a couple of weeks ago someone pulled out in front of a bus and that didn't look too pretty. Regarding the wetlands in this area, is that going to be a mosquito pit and how is it going to drain? Mr. Dell stated that is not a wetland, it's a tree line. Ms. Kowsky stated you mentioned that the drainage would go to the south and the east. Mr. Dell stated then it goes to a stormwater management area. Ms. Kowsky stated the following: Then it goes down through my property. Right now we have the culvert on Dunsbach, which I've mentioned previously, we have problems and it backs up and it pushes the road. So, that is a little scary to me right now. As a retired physics teacher, I need to give a little lesson on decibels. Decibels are not a linear scale, it is a log scale and it is ten times the log of the ratio of intensities and they are saying a 1 to 3 decibel difference. If I am standing at your elbow and I'm speaking to you in a normal tone, that would be about 60 decibels. If you go into downtown New York City in heavy traffic, that's 70 decibels. So, that 1 to 3 is a lot bigger than you think. The old sewer line that comes out of Northwood down towards Grooms Road; that sewer line system was put in for Northwood many many years ago. They asked about capacity and they said "fine". I question age. That main pump coming out of Northwood is old. Ketchum put in those houses back in the early 1960's and the sewers didn't go in until later because they did do something with a little bit of trying to hold the property, but the age really worries me and the Town is going to find itself with an exploded sewer line. Mr. Bill LaBarge, 1 Princeton Avenue, stated the following: Two things; the traffic patterns as they are right now in key parts of the morning when people leave, there are two cars from my house, there's two cars from across the street, there's three cars from one of the houses up the street and the last house on the end of the street there's two cars. I don't understand that you can get only a one car per house increase on this. It's just not realistic. Most houses in this existing area and in most of Clifton Park have at least two cars. So, I find the study to be a bit skewed in their favor. That being said, when they did the study for the sound and my house is down here and the person who was doing the study stood across the street from my house and he had the microphone setup and I asked him "are you going to go up into the woods?" I walk in the woods every day and I submitted through Mrs. Nolet to your Board sound things that I've done with my phone. It's not very scientific, but you'll be amazed at the level of noise. There are a couple things wrong with the study. They're taking it through the existing trees that they are going to cut down. They're not taking it from where these people are going to have to live and the barrier that they're saying that they're going to put up; I don't know how affective that's going to be. They said 37% of the trees are going to be left. So, that's 60 something that's going to be taken down. That's a sound barrier. Right now the sound from the Northway is absolutely incredible and if you walk here and you talk to your partner or whoever you are with, you have to shout to be heard. The tapes are submitted to you and you'll hear the sound and I taped not at high point during the day. There is a lot of truck traffic. I don't know who wants to live here, but that's absolutely nuts, it's crazy. The sound is crazy here and it's going to get worse for those of us who live there. So, I take issue with the traffic patterns and I think it's unrealistic to think that maybe that it's one vehicle per house is going to increase. By the way, there is no southern exit out of here. You have one exit here that's east and one exit north and actually it's all going to come out at the same place. There is really only one place that it is coming out of Northwood. That's an incredible increase of traffic and there

is only one road out of Northwood. So, it's something to consider. We're all going to be affected by this and we've been here for a long time and we would really like your consideration on this. Mr. Todd Haar, 2 Manchester Drive, stated the following: I live right on the corner here and as you all heard me before; I'm obviously going to be affected by it because I'm going to see everybody from both directions. I would like to address this to Mr. Belmonte; back in February I think a question was asked roughly how long is the timeframe and it was like 18 to 24 months for the preliminaries and then in minutes of the meeting it stated 4 years on a vibrant market that you would be able to sell. Is that 4 years including the 18 to 24 months or is that an additional. Are we looking potentially for a 6 year period in a vibrant market from today if you go forward? Mr. Belmonte, the applicant, stated the following: Right after the Town of Halfmoon has given us permission to go forward with this. The State agency process would be approximately 12 months before we would be able to come back to the Board and ask for a final approval. So, it's probably going to be a solid 12 to 18 months before we could even attempt to put a shovel in the ground. In addition to that, even upon the Town giving us permission to go forward, we still have a fair amount of engineering to do for preparation before going to the State agencies. So, I'm comfortable with saying it would be 18 months before we start and then the physical construction time of the homes would run approximately 48 months. Mr. Haar stated okay, that's kind of what I was thinking before from what you were saying, but sometimes things overlap and sometimes they include and sometimes they don't. One of the things that I was wondering is what we are hearing about DB levels and the sound and everything and all those are forecasted after the 4 to 6 year period. So, when this is cleared out and these homes are not built yet, we're going to see an increase in the sound because you guys are basing your reduction in sound as negligible based on planting additional trees here and all these homes being in place, is that correct? Ms. Johnston stated yes. Mr. Haar stated the following: Okay. So, it could be 4 to 6 years. I have 45 DB hearing loss and I cannot hear rattles and squeaks and scratches and my wife is very happy about that, but anyways, sitting in my backyard I can hear the Northway. I just wanted to get a clarification on that because again, when I read the minutes of the meeting, sometimes you can read into things and I don't want to do that. A question regarding traffic itself, you guys had made a point about Grooms Road and Woodin Road and the accidents that occur up there and so on. A lot of time you will see people sitting on the side of the road exchanging information because it's not worthy of the law enforcement or whatever. There is no doubt that it is a busy intersection and I have sat at green lights on occasion thinking about the 16 second average time that you wait there, but you're saying that roughly 20 to 25 homes would exit out to the north. Ms. Johnston stated that would be about half of the traffic. Mr. Haar stated the following: Okay. With Adsit and with a portion of Manchester that goes this way and Manchester loops around, roughly half these people use that and most of the people on Adsit come out and make the left hand turn and that's roughly about the same number of vehicles or the number of homes we'll say. That's pretty much a 100% increase in traffic at that Manchester stop sign, do you agree to that? Ms. Johnston stated I do. Mr. Haar stated the following: Okay, because I haven't heard any 100% percent figures at all. I hear 1 or 2% negligible and things of that nature so; we're really doubling the traffic on Manchester potentially after complete build. Now that kind of goes in with the walkability issues and a lot of us do walk around the Northwood area and I walk 3 to 5 miles a day and I cover every one of these roads a couple of times a day and I don't see how adding a wider road is going to help the existing roads walkability because I will still have to walk that road to get to your road and that's not changing. I'm not asking for you to put all new roads in either but, I just think apples to apples and fair is fair as I still have to walk Manchester, people on Newcastle have to walk Newcastle to come over in order to use your new roads. I personally walk over to Timberwick quite a bit because the roads are wider there, but I still have to stand on the side of Woodin and it's a hit

or miss to go across the street and everything else and you guys have seen it. I would like to give you a couple of basic dimensions and statistics. Obviously, you've already mentioned that the road is 20 FT wide. I used to be a member of the Antique Truck Historical Society so I know some of these figures. The average truck, tractor-trailer, large dump truck, garbage truck whatever is 102 inches wide and that is 8.5 FT. You take two trucks passing each other; that's 17 FT and the mirrors are not included in that dimension obviously because they have to stick out beyond that. So, add two driver's mirrors at roughly a foot each and now you got 19 FT and they are still scraping paint passing each. Give them 1 FT clearance and you have run out of pavement whether it be Newcastle or it be Manchester. Throw in legal parking that we're allowed to do on the side of the road or perhaps even throw in a wide load; maybe we need to have some traffic one-way stuff done if this is allowed to go forward. If you come in with a tractor-trailer and you have a 12 FT wide section of trusses or whatever, you just turned those roads into one-way road and you cannot pass and somebody coming the other way would have to pull into a driveway or something to let that truck go by. Its short term and I understand and that's why I'm asking the question as far as the development of it. I've been through your projects before and looked at some of them and they don't occur overnight. It's not like there is going to be a parking lot of vehicles out there. I'm a very factual person and some people don't like that because the bottom line is that it is going to take time for him to do what he needs to do. But, at the same time, with these vehicles going back and forth, how long would the infrastructure take? Mr. Belmonte stated it would take between 60 and 90 days. Mr. Haar stated okay, that's a short term period then that you would actually see a high density because even only at 10 trucks a day carrying topsoil, gravel, pavement or whatever and that's still 300 to 400 trucks a month going up Manchester or Newcastle. I've jumped out of the road many times before and I'll keep on doing it or whatever, but I'm more concerned about some of the older people in our neighborhood and it's in the minutes of the meeting before about a couple of them and I won't repeat them. So, they basically won't be able to walk in the roads and heaven forbid if something should happen. Regarding the damage to the roads; right now I could go pick up a small pickup truckload of pavement that is loose at the various intersections. UPS trucks and buses cut the corners because obviously they're not wide enough or whatever and that's the nature of it. When he comes in with heavier vehicles than usual with 80,000 or 90,000 pound tractor-trailers or whatever with gravel and so on and we start having issues, obviously you're not going to put a new road in in another couple of years. Are we the taxpayers responsible for that or would it be in a normal highway budget type thing? Mr. Pingelski stated the builder would be responsible for that. Mr. Haar stated however it turns out, it turns out I guess. Mr. Joe Van Alphen, 31 Cambridge Avenue, stated the following: I have two specific concerns. It was mentioned that the Manchester traffic would be increased by about 100% and I'm assuming that we're talking about the people that would be going out Manchester onto Woodin and heading north to the intersection of Grooms and Woodin. Back in July my wife and I were survivors of a T-bone crash, both cars were totaled. We were heading north on Woodin through a green light and somebody was moving in an easterly direction and not paying attention to the light at all and slammed right into me just in front of my driver's door. I must say that I'm glad that I had my seatbelt on. The airbag exploded and deflated so quickly that I didn't even know that it happened until a few seconds later when I became alert again and realized that it was sitting there in front of me on the steering wheel. The reason that I'm mentioning this is because I became very aware at that intersection that as you are approaching Grooms Road on Woodin, the left side there is a lot of brush, sumac and sumac trees maybe, but there's a lot of vegetation that comes right up to the guardrail on Grooms Road. If, it had not been there, I may have possibly seen a vehicle moving in my direction, but I don't know. I can tell you that I now basically slow down at a green light at that intersection every time I'm moving in that direction. I'm hoping that with this additional traffic

being referred that the Board might take into consideration making a recommendation that a lot of that vegetation be removed. It wouldn't be very costly to do that, but I think it would be a much better safety situation for people in that area. The other issue that I'm concerned about; if you consider Princeton comes out to Newcastle and Newcastle moves over to Dover onto Cambridge or to the left it goes out to Cambridge or to Manchester and if half the traffic is going north towards Grooms Road, the other half of the traffic is going to head south on Cambridge Avenue past my house. Before getting to my house, there is a hill on Cambridge Avenue at the southern end of Dover. I moved into the property in 2004 and I now do the best that I can to avoid going north from my home because the hill does not provide any visibility from one side of the hill to the other. Recently there has been an occasion where I was moving north on Cambridge coming up to the top of the hill and there was a walker with a dog in the road and I had to swerve because it was so late that I actually saw them. I don't know what to recommend doing about that particular hill, but with increased traffic of possibly another 25 to 30 cars per day I'm very concerned that there are going to be people not driving the speed limit or even if they are, if there is somebody walking in that area on one side or the other of the hill, somebody is going to get hurt. I'm hoping that the Board could take that particular safety issue into consideration before approving this particular project. Mrs. Margaret Sautter, 30 Cambridge Avenue, stated the following: I would like to thank everybody for coming out and it is great to see all my neighbors here. First I would like to touch on what Mr. Van Alphen just said. I'm sitting here listening to some of the things and I want to clarify that he said the 25 or 35 more cars per day and that is per hour, that is one peak hour coming that way because they do talk in peak hours; peak AM and PM hours and it does get confusing. Can you tell me how many per day or a 24 hour period approximately how many cars will be coming out of here? Ms. Johnston stated it is approximately 10 per unit so; it would be 500 cars per day. Mrs. Sautter stated the following: So, it's 500 cars per day. That's a much different number when you look at the big pictures, right? That's amazing to me. That's unbelievable, but I believe it and I believe that's exactly how many there will be. I went over the Federal wetlands with Mr. Dell. So, you're saying that I've been wrong that I've included those wetlands from the proposed PDD in 2006. Mr. Dell stated the following: The original proposed PDD included 182-units and that PDD included 2 parcels to the south. Those 2 parcels had a combined approximately 5.5-acres of ACOE regulated wetlands. The most recent delineation that we have had of our project property includes 1.34-acres of ACOE regulated wetlands. We will have to go before the ACOE for a wetland disturbance permit for the project. At that time, based upon our need for that wetland disturbance, they will be validating the delineation for our project. So, that's not the end-all of what we say on this map here. We have to go the ACOE for them to give us this wetland disturbance permit. Mrs. Sautter stated this was done in January 2012, correct? Mr. Dell stated correct. Mrs. Sautter stated and they have not gone back out to verify that because that is kind of an odd time to do it and then have 2 years and not go out and verify what they found. Mr. Belmonte stated they haven't requested to. Mrs. Sautter stated I'm asking you if you have requested them to. Mr. Dell stated I have not. Mrs. Sautter stated so; this has not gone to the ACOE yet. Mr. Dell stated the following: For the wetland disturbance permit, no. However, wetlands can be delineated as such and there are 3 criteria. There is hydrology, soil and vegetation. So, they can be done at that time of year. Mrs. Sautter stated yes, but New York State clarifies that yes they can be done and it's difficult, but you should go out and verify them during the growing season, which is April, May and June. Mr. Ouimet asked can we just go to questions and answers as opposed to lectures? Mrs. Sautter stated the following: Okay, sure. You're saying that that was inconclusive so, I have here the current Princeton Heights subdivision before the Planning Board which was presented for the first time to the Board July 24, 2006. Mr. Scott Lansing introduced the application and stated the single parcel is approximately 41.5-acre and of

those 33-acres were wooded brush and 6.9-acres of Federal wetlands. So, I'm talking about the one lot. The project narrative dated July 24 also stated that exact thing. The Full Environmental Assessment form to the Town signed by Mr. Belmonte also stated 32.6-acres of meadow brush land and 6.9-acres of Federal wetlands. So, I'm not making a mistake by including any other parcels and I just wanted to clarify that. Mr. Dell asked what is the acreage that you mentioned? Mrs. Sautter stated 39.2. Mr. Dell stated the following: That is the size of our parcel now. When it was 6.9-acres, it included 2 parcels to the south for a PDD. Mrs. Sautter stated the following: Where in this? This is right from the records and right from Lansing and there is a Stormwater Pollution Prevention Plan dated February 7, 2007. Mr. Dell stated that is a typo. Mrs. Sautter stated the following: There's a typo. Okay, the Archeological Investigation dated August 2007, is that also a typo? Mr. Dell stated it is a typo. Mrs. Sautter stated okay, so all of these things from 2006 until last week at the last Board meeting was the first I had heard of it and those were all typo's for 7 years? Mr. Dell stated the following: The application that was submitted back in the beginning of 2012 indicated the correct wetland acreage, which is 1.34. What I'm telling you is the wetlands that we are currently showing on our project plans will be validated through the course of the process. Mrs. Sautter stated the following: I understand and I just hate to say "okay, well they don't existing here anymore" because this is exactly where your roadway is going to be. So, I don't want you to think that I made a mistake and that I counted something in that I didn't. It clearly states in all of your paperwork and in all of your documentation that there was 6.9 and I understand that that was a typo for all of those documents. Then you're saying in 2012 that the Lansing Engineering project narrative states the overall site is 39.5 and that included 32.6-acres and a mixture of 1.35 areas of wetlands and that was dated September 10, 2012. Those two numbers add up to 33.95-acres so, you're missing 5.5-acres. So, 5.5 plus 1.35 is what you're now claiming, which equals exactly 6.9. Mr. Belmonte stated the following: I'm not looking to be combative, but I think Mr. Dell has said on multiple occasions that we're going to verify what the wetlands are. If there was a typo, we apologize for it and it was not our intention, but you can quickly imagine the massive amount of information that exchanges back and forth trying to prepare such an application. However, I think the real crux of the matter is that we're only disturbing 225 SF and that is less than the square footage of a 1-car garage. So, even if in the woods or along the Northway or somewhere else in the project, there is this massive quantity of wetlands that you're concerned about. We're only disturbing 225 SF. Mrs. Sautter stated because that's what you have here, this roadway, correct? Mr. Belmonte stated the following: Because that is where the roadway is coming through. The Town has specifically asked us on multiple occasions that they prefer not to have the project considered with only one entrance and they wanted us to create that second entrance and we have evaluated multiple ways of doing so and that is the most realistic and pragmatic way to go through. However, it does require both the Town and the ACOE to entertain a 225 SF disturbance permit, which is well within the guidelines that the ACOE commonly issues. Mrs. Sautter stated the following: Is this parcel that we're talking about and this wetland that are disturbed here, is that part of this added in? Is this acreage added into this lot? Mr. Dell stated the disturbance is. Mrs. Sautter the following: Just the disturbance is of these wetlands? My point is that, in previous, you had a delineation in January. There are all wetlands in throughout here and I think that brings up a lot of what the people concerned about and that is the wetness of the area. So, it's just something that we need to look into. Mr. Belmonte stated but we're not disturbing it. Mrs. Sautter asked these homes aren't disruptive? Mr. Belmonte stated the only thing that we are disturbing is 225 SF. Mrs. Sautter stated the following: That's according to your calculations right now. I'm saying that if this area is all wetlands, they are being disturbed. Mr. Belmonte stated the following: That is all wetlands and the ACOE is going to declare that the delineation that has been done by a certified professional under their guidelines and regulations and his license that they

acknowledge was incorrect and then we are going to either have to ask for a significantly different disturbance, which they have a guideline to how much they will allow and we will have to come back to the Board and declare that we have had a flawed delineation and we will have to either entertain a different subdivision or ask the Town to consider that level of disturbance. I assure you that the individuals that we have used and we have had consultants overlooking the shoulders of our consultants to make sure that we could stand here and make a good representation as we ask for this subdivision aren't going to make such a blatant error. I'm not going to say that we didn't make an error in the typo, but understand that was from documentation long ago and that we are going to have all of the wetlands that we are disturbing or impacting delineated and signed off in a jurisdictional letter that will come back to the Town and the State Agencies. Mrs. Sautter stated the following: Yes, I understand that, but they need to go to the ACOE, but I just wanted to clarify that I believe that there are more wetlands there then they're saying and given what I just told you about those different things. I know one of the neighbors had said that sound was just up here, but they did do sound here and here and I believe there were 10 spots. So, they did do some sound, but the levels were extremely high as they were 78 and 80's. I think with the traffic that we talked about Manchester and these homes and you said it would be about a 100% increase coming through. So, what about these 11 homes here? Is that 100% or 200%? You agreed that 100% would be through here through these and there are going to be about half the homes coming out. Mr. Ouimet stated I think what was said was that there was going to be 100% increase on Manchester at the stop sign and I think that is all she talked about. Ms. Johnston stated the following: Thank you for clarifying that. I do have the specific responses to those questions in our August 28 narrative that was provided to the Town. Specifically, with regard to your current question regarding Princeton; there are 13 existing homes in the development of Princeton Heights with 51 single-family homes proposed and two access points. The overall traffic volume on Princeton Avenue will be approximately 37 vehicles during the AM peak hour and 45 vehicles during the PM peak hour. So, yes it is a percentage and it's an increasing substantially because currently it is a dead-end residential street. However, it is still well under industry standards for a residential street. Princeton Avenue has sufficient capacity to accommodate the additional traffic generated by our project. Similarly, the results and volumes on Manchester will be substantially less than the upper thresholds for residential streets. There is capacity in those existing streets to accommodate the traffic generated by our project. Mrs. Sautter stated the following: I agree that maybe the roads there can hold it. My concern is with these poor 11 families that live on Princeton and that was my reason for asking that. That is an awful lot to put on their shoulders and that's why I'm here because you could say that it really doesn't do anything to me except for all of the traffic on Cambridge. I looked at all of this stuff and I know that the archeological is down here and here and I know that's all going to be avoided. Because this road is coming through here and these are very sensitive areas, will there be an archeological dig where this road is? Mr. Dell stated the following: We have done an archeological study for the project property. The archeological study did indicate several areas and an avoidance plan has been submitted and approved by the State Historic Preservation Office (SHPO) and that documentation was submitted to the Town and we actually got the letter from SHPO today. Mrs. Sautter stated the following: I didn't get a chance to read that and I think I did really quickly. My question is did they do this area where the road is coming out now? Was that included or was it just these areas? Because this was not the original and this was not on the original plan when the archeological review was done in 2007. Mr. Dell stated the following: I will have to verify that with them. I believe it was, however, if not, that's a simple fix. Mrs. Sautter asked could you explain this here and why this isn't exactly part of this project where it should be? Mr. Ouimet asked Mrs. Sautter to explain what she is asking him to explain because we can't see it. I know there are a lot of people here who can't see it either. Mrs.



Sautter stated it's this plot of land where the road through Manchester comes out and I'm asking him because I know that there are deed restrictions, which I don't really understand on this specific parcel of land where it comes out through there and up through Manchester. Could you please explain this to them because it isn't part of this green area and I know there is some deed restrictions and I don't know what they are. Also, I believe that this future right-of-way right here, so everyone is aware, this is where Linden Village is being proposed right there. I just want people to be aware of that. Mr. Belmonte stated the following: The parcel to the north that you're referencing, owned by Mr. DeGraff, is a prior subdivision that was approved 20 years ago. Subdividing this into multiple parcels of land with a right-of-way in between the existing houses that have been built was in preparation for a future connection. For those of you who are not aware, this subdivision is not a new subdivision. This subdivision was on the drawing boards back in the 70's and 80's and had been approved at that point in time. This was part of the preparation for that subdivision at that time and all we're doing is utilizing a previously planned access to the parcel. The parcel to the south, yes that is a right-of-way to the future parcel of land. Per the Town's intuitive thinking as the Town continues to grow, they are looking to get interconnection amongst communities to keep travel and pedestrian traffic off of the primary roads and as people are trying to make connections from community to community they do that through access points buried inside the communities and that is one of them. Yes, I have heard that the adjoining property owner at one time had looked to utilize that as a connection point for his project. I don't know what the status of that project is, but it is there per the Town's request and is useable. Mr. John Dobis, 6 Princeton Ave., stated the following: One of the things that I brought up at the November meeting that really wasn't addressed in this new proposal is the actual size of the 51 homes being added to this area. I brought up the fact that Northwoods has 128 homes right now and they're all fit within an 8/10<sup>th</sup> of a mile radius to each other. So, it's already a very congested area generally speaking and I think we need to consider whether we need any more homes here on top of 50. I would ask the Board that they consider expansion in this area because there really isn't any new roads here. These new roads that are being proposed are only going to be used by the people who live in these new homes and none of the existing homeowners would have any reason to use these. When we consider expansion in this area, we don't consider one project really in isolation. There are 50 homes here and you still have the Dunsbach and Vischer Ferry project that is potentially going to add a whole bunch of homes there and you're really just leaning on the existing infrastructure. I've heard a lot tonight; a 50 FT buffer to the Northway sounds like a lot if you guys just think of this room where this window is the Northway and that window is somebody's property line; that doesn't seem like a very big buffer to me. We're not buffering a small Podunk road; we're buffering the Northway that is the most highly traveled road that we have and 50 FT is almost nothing; it's a little over 16 yards. From my perspective personally, 4 years to build 50 houses, 4 years of having excavation trucks, lumber trucks and dump trucks go by my house every day for 4 years until these 50 homes are built, I'll ask you the question, why would I want to live there and why would anybody want to live there? Ms. Cory Dandaraw, 9 Princeton Avenue, stated the following: Just like Mr. John Dobis, I'm in a very unique position. I live at 9 Princeton Avenue and I'm going to be right across from where the road is coming out and I assume that you guys are going to be planting me those trees and they look so pretty because they are not here now. My concern is that we also have water in our backyards on Princeton and I assume that that water wasn't there when it was a wooded area. They cleared the road right next to the LaBarge's and 17-18 years ago they built those 12 additional homes in the back and the LaBarge's have water in their backyard. My neighbors and I actually have a pond every spring where sometimes ducks settle in and I'm a hockey mom and I'm really excited, but it's not frozen so, it's just going to be a big mess. Part of my yard is now sinking and I do assume that it's because of the constant water

penetration. I think if you cut the trees down in the back of my property, I have to assume that I'm going to have more water. In addition as a mom of a teenager who is driving and we do have 3 cars leaving our house in the morning. I'm also concerned about the two blind spots in the neighborhood and one of them is right across from you guys on Dover and because people have parked their cars on the side of the street, my poor son was actually almost in a frontend collision because somebody came around a car and you can't see up that hill, he was on his side and the car cut right in front of him. As a 17-year old, he has good reflexes and everything was okay, but I've dodged myself and the other blind spot is adequately named by the neighborhood children as Devils Hill and it really deserves a spot to come up and you don't see a thing. I give the Gregor's a lot of credit for staying for as long as they have because I stand in front of the house in the morning and I'm waiting to get on Dunsbach and I don't know how people gather speed, but you kind of have to wish for good luck to get there. So, I think my point is just very similar to Mr. Dobis. I do appreciate the fact that I thank you for listening to us I think you've come a long way with your project. I think my concern still remains the roads that were built in the 60's that are now going to see 500 additional cars. I taught my kids how to ride their bikes in that neighborhood and I jog in that neighborhood and it's a neighborhood that has single-car garages. Now everybody has 2 cars, which is a sign of the times, but the roads were not even built for the traffic that they currently have. I give the developer a lot of credit for building wider roads, but as Mr. Dobis said none of us would have any reason to use those roads. It's not that we're trying to leach off a new development and have nicer roads. I think it's more of point that 500 cars are going to pour into our neighborhood with these two blind spots and we just don't have a way to keep ourselves, our kids and pets even remotely somewhat safe. Mr. Larry Koniowka, 15 Newcastle Road, stated the following: I received a letter from my neighbor across the street; Mr. Brien and Jean McNulty, who couldn't be here tonight. Mr. Koniowka read the following letter from Mr. & Mrs. McNulty, which was received by the Director of Planning today. (see attachment below)

This email is from Jean and Brien McNulty, 16 New Castle Road (Northwood). We have been to the meetings concerning Princeton Heights but are unable to attend the January 13, 2014 meeting.

The builder originally bought this parcel of "landlocked" property. The only option to access this land is via residential roads in Northwood. The residents of Northwood value the quality of life they currently enjoy, which is one of the main reasons why we purchased our homes here in the first place.

If Princeton Heights is approved and the traffic from these homes is dumped onto Princeton Avenue and Manchester Drive, it will not only increase the traffic on our narrow Northwood Roads but will have a huge negative effect on our quality of life forever.

I hope the Planning Board as well as the Town Board and Supervisor Tollisen will NOT approve the Princeton Heights subdivision and vote in the best interests of the residents not only of Northwood but also the adjoining areas along Woodin Road and Grooms Road, which will also be adversely affected by the increase in traffic. Thank you.

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Mrs. Murphy stated just for point of clarification; this is a conventional subdivision so, the Town Board doesn't get a vote on this, just so they know. Mr. Koniowka stated the following: Okay, thank you. I just wanted to read that email on their behalf as they had asked me to do so. Mr. Ouimet asked Mr. Harris to make sure that that email gets into the record. Mr. Harris stated the following: Yes, it is in all of the Board members folders for the meeting. Also, for clarification to the public; when the Planning Department receives letters, emails and videos; we do our best passing them along to all of the Board members and in our pre-meetings we give a summary of who sent letters, emails, etc. Mr. Koniowka stated the following: I'm also opposed to this project. I don't see any real changes from the previous proposal that they did. I think that is a little disrespectful to the Board and to the neighborhood itself. Even though I don't know the people who live at #6 and #8 Princeton Avenue, but putting a road in between them is really disrespectful. #8 has a pool and a shed on one side and #6 has a swing set and a park bench on another side and you're going to put a road between them and why? If you had any foresight, you would go and maybe rearrange this a little bit and put it on the other side of #10 where there are no houses. That's just me and I guess I think logically. The old saying is "it's not personal, it's business", well not everything is business and it's not all about money. Some things are personal and some of us have grown up here all of our lives. I don't know if the builder himself knows about that area at all, but people grew up there and there were many fields. We played softball back there, they ride their motorcycles, they ride snowmobiles, they hike and look at nature and now all I see is houses. Where's anything to give anyone that had lived there and loved that place as it was something to hold onto a piece of the past. Cut it down; I grew up on 2-acres of land and I had plenty of room to enjoy my neighbor. I just don't see why you can't give some of these people some more land and if they decide that they want to sell half their land to their family, let them worry about it down the line. To just squeeze people in for money and destroy a beautiful piece of nature; to me, it's just disrespectful to the world. Mrs. Stephanie Nolet, 3 Cambridge, stated the following: This is, in particular, very dear to my husband and I because these are the woods behind our development. Like Mr. Koniowka was just saying, our neighborhood is very unique. We actually have a Facebook page for our neighborhood and I don't know very many people who have that. It was begun by people who grew up in that neighborhood and moved out and they actually started the Facebook page to reminisce about all the things that they used to do back in those woods. I know that they are not our woods, but I just wanted to say that. I know that the traffic engineer said that Princeton is well under industry standards as far as the traffic that will be created with the new homes, but our streets are well under industry standards because they are 20 FT. So, I don't understand how any additional cars in that neighborhood could possibly be a good thing. Talking about the increase of traffic on the different roads and I think Mr. Haar was talking about trucks trying to get past each other. On Cambridge, which is a very winding road, and we have a couple of different neighbors who like to have parties. When they do parties, their cars line the street on both sides and that's great for them, but it's hard because you can't even get one car through some times. So, I would be concerned about emergency services because especially when the weather is nice, we're an outdoor kind of neighborhood. We're walking, we're hanging out with our neighbors, we're parking on the streets because our friends are coming over and there is no way that you could get emergency services vehicles through our streets if someone was having a party. I know that is a problem with our homes as well as new homes, but I'm just saying that it is an existing issue. Regarding the cut throughs; I thought it was interesting that Mr. Belmonte said that the Town was trying to keep traffic off of the main roads, which is why they were having these cut-throughs all through the neighborhoods. I don't understand that; we have main roads so that people drive on them. I would certainly rather have all of these cars go on Grooms Road, Vischer Ferry and Crescent and the roads that are wider and able to handle it than to be cutting through all

the different neighborhoods. Whenever my husband and I see that this is coming up, we'll typically F.O.I.L. (Freedom of Information Law) all the information and we try to make sure that we get it out to our neighbors. We were unable to F.O.I.L. the most current map and we were told that it was copyrighted. We looked on our old maps and they were also copyrighted, but we had no problem getting them at that point. We went to the Town Board with that question and we were not able to get any kind of answer as to why we were not able to get the maps. I know the drainage has already been mentioned by many many people and it's not just a problem where the stormwater basins are going to be and it's not just a problem on Manchester. Princeton has it and we have it on Cambridge and it is the entire neighborhood because this whole area is full of hills and ravines and maybe not NYSDEC wetlands, but swampy areas. Just 2 days ago we had water in the garage. Last May we had 5 inches of water downstairs and had to get a new water heater. So, it's an issue throughout the entire neighborhood. They have been using the word "negligible" a lot; "the noise will be negligible", "the traffic will be negligible" so, I looked it up and negligible means; so small or unimportant as to not be worth considering or insignificant. Any increase in either noise or traffic is certainly not negligible to the people who live in this neighborhood. Mr. Todd Haar, 2 Manchester Drive, stated the following: She was bringing up the point that I had mentioned with the width of trucks and so on, but maybe I didn't make it clear with my thoughts on that whole theory and he kind of confirmed it for me. That is a short term thing. Right now there are 7 school buses that go through this intersection and my point is that they have to go by each other, UPS trucks, FEDEX trucks, the water delivery guy and everybody goes by and that is currently happening right now. My concern that I had and maybe I didn't make it clear was that is a short term thing. When the infrastructure goes in, that is going to be the highest impact with traffic with all of the building materials and so on. You're not going to sell off 50 homes the same day. You'd love to, but you're not going to. The point I was trying to make was more of a short term thing as far as the truck traffic because it is there now and the buses are the same width. Mr. Tim Cusson, 7 Manchester Drive, stated the following: I've been a resident here for 35 years. I've taken my son and some other friends from the neighborhood back in these woods. I believe you said that there were 258 SF of wetlands back there. Mr. Belmonte stated it would be 258 SF of wetlands that we would be disturbing. Mr. Cusson stated the following: In this area there is a stream and over in another area there is a stream that when it's wet out, it is 6 to 8 FT wide. If I can't take any of you back there on any given day and walk at least a half mile and find 8 to 10 FT of water or wetland, then I will take and give you my house. The other concern that I have is the traffic. We just can't sustain it any more. The intersection at Woodin and Grooms is terrible. I think a gentleman stated that he got in a car accident at that intersection. I've been a resident here for 35 years and I make it a practice to stop if the light is green to check the traffic because I know that that intersection is bad. The other road over by Stone Quarry is also a bad intersection. The one on Dunsbach is going to be even worse when that gets going. Coming out of Manchester onto Woodin your view in either direction, because of the way the road is laid out and houses and everything, is fairly poor. You can look one way and look the other way to check and double check again and when you turn back this way, you have a car coming and by the time you take and watch that car go by and double check again, you better be sure that car isn't silver because otherwise it looks like the road. If it's at night, thank God that most of the cars now have daytime running lights on them. A lot of times you just can't see them just because of the grade right there. We just don't have the infrastructure for it and as far as disturbing the wetlands back there, the people in there and putting that many houses back there and the amount of vegetation that is going to have to be taken out or removed, such as trees and plants, and be replaced by these houses is not going to take and put any more water out of the ground and use up any, make any more oxygen or anything else. All it's going to do is add more pollution and deprive the area. A

lady talked about the Facebook page about people being there for many years and we are a tight community. Ms. Joan Hagglove, 27 Newcastle Road, stated the following: I have lived here for 50 years and it's nice to see all my neighbors. Mr. Belmonte; I've been listening to all of this information and I don't agree with much of it. I don't think there's only going to be one car per day leaving these new houses. I think the noise is going to be a lot worse than it is. I respect the fact that this is a business for you and you are in this to make money, but look at us. This is our home, please respect that. Thank you. Mr. John Ferraro, 6 Manchester Drive, stated the following: I live on the corner of Adsit and Manchester. If the traffic gets too heavy, is there any consideration of making Manchester Drive wider? I don't know who that would be directed to, probably to the Board. I concur with Mr. Cusson as I travel out Manchester Drive to Woodin every morning to go to work and at least two, if not three times a week, I do exactly what Mr. Cusson said. I look both ways twice and coming around that corner over that little knoll you almost get T-boned. So, it's very precarious. Something really should be done for the added traffic that might be there. How would we know whether Manchester Drive would be increased in width or not? Is that a consideration? Mr. Ouimet stated the project doesn't propose to widen Manchester as it currently stands. Mrs. Maris Coburn, 25 Newcastle Road, stated the following: I am right across from Princeton and this comes out right into my side yard. It's also a very narrow spot there for people to be turning in and out and that is the main exit out of there and I think it's a very serious safety issues. Those blind corners in both directions; down Newcastle and I think it's Dover around the corner and you really can't see on those streets and we are out on those roads all the time. I'm just afraid for our kids that are out there, our walkers and our runners and everything else. I just think it is a bad spot to put that kind of traffic. Ms. Marianne Geleta, 128 Dunsbach Road, stated the following: The only problems that I have are with the traffic and the water. The traffic studies because if you're buying expensive house for \$200,000 to \$300,000, probably more than one person is going to be working and you would probably have to have two people working and kids and all. I have sat and counted the traffic so, I have a problem with traffic studies. The other problem was that earlier the gentleman said that the water from back here was going to be like shot out to Dunsbach Road, which would be me and my cousin because we have a nice little creek that goes in between both of our houses that gets flooded all the time. So, when they just say "oh, we're just going to dump it out towards Dunsbach"; that would be me and my cousin. So, that was just one thing with the water because there is a major water problem and you can just see from my boots that this is how I live. So, it's the water and definitely the traffic and the water being pushed out towards Dunsbach. Ms. Celia Souza, 6 Manchester Drive, stated the following: I am John Ferraro's wife. I don't see Russia from my house, but I do hear the Northway and it's pretty loud. So, I guess that's going to change. My husband and I both go to work in the morning and we both come home at night. So, there are 2 people living in our house and we have 2 cars. Ms. Kathy Kowsky, 132 Dunsbach Road, stated the following: In the past 30 years, between Mr. Hoffman and Mr. Elliot Hughes, they've cleared property towards the Northway. I just want you to know that when I built my house 37 years ago, I had a waterfall in the front yard that I used to listen to at night when my windows are open. As soon as they started clearing near the Northway the sound resonates down the valley and there is a big ravine that comes out of my father's property into in between my house and my cousin's and it just resounds down and I can't hear anything but trucks gearing up because as you come from the river, there is just enough of a grade that they gear up and gear up before they get to Exit 8A. So, noise is going to be a problem. Mr. John Gironda, 6 Suffolk Lane, stated the following: I don't think I can add much to what my neighbors have already said about noise, traffic and drainage. What I'm about to say is; there are no laws against and no ordinances against Mr. Belmonte. I know he is a businessman and this is America and I understand that it's his property and if this was not the Northway and it was a

double yellow line road and you could build your own roads, more power to you buddy. Go make a million dollars; 10 million, 20 million. This is an existing neighborhood here and this degrades our quality of life and our neighborhood. Like I said, if he could build his own roads, I'd be happy for you. Look at this; this is maximum profit here and this is as dense as you can get it, right? Be honest because we can't get it any denser legally. So, I don't know. I understand that he has to make money, but he's going to make his money and he is going to be gone and we're left with it. Mr. Ouimet closed the public hearing at 9:12pm. Mr. Nadeau stated a question on decibels ratings, can you equate 79 decibels and can you give me a comparison of that? Ms. Shadlock stated the following: I think we have had a lot of input tonight and we always appreciate hearing from the neighbors of the project. It's always good to listen and consider the comments. However, I think it is very important that we operate on the basis of fact and I sat there for probably 10 minutes listening to talks about typographic errors, about misrepresenting the number of acres of wetlands and I can't speak for what went on in 2006 and 2007 because I've been onboard here for about a year, a little less than a year working on this. I did take the liberty when I was sitting next to Mr. Belmonte to pull out my big file that I brought, which I always have accompany me to these events and if you look at the project narrative submitted on September 10, 2012, it discloses 39-acres and 1.3-acres of wetlands. Then I pulled out the long form Environmental Assessment Form (EAF) completed by Mr. Dell's office and we have the 38.239-acres and 1.3-acres of wetlands. I'm just having a very difficult time understand how this is a complicated issue. It was honestly disclosed, it is based upon a wetland delineation done by a land surveyor and wetland specialist who signed his name to it and as Mr. Belmonte pointed out, if the ACOE comes in and questions the manner in which this was done, we will be back. So, there is no misrepresentation and no typographical error in the submissions, which are the basis of us being before you this evening. Another thing; we sat here and we listened to 50-acres and I heard earlier tonight that people were clear cutting to their boundary line and Mr. Belmonte could also clear cut his boundary line. He cares about these homes and he cares about the people who will live in these homes, but you know, it isn't 50 FT because you also have a buffer area here and it's a substantial buffer between the Northway and Mr. Belmonte's property. Also, the other thing I think bears mentioning; we're hearing who would want to live here. Well, all of the people in this room have chosen to live here and many of the homes; I took the liberty over the past year that I have been working on this to drive through the neighborhoods and when you drive through the neighborhoods, if you look at some of these homes over here, they are far closer to the Northway than any of the homes that are proposed on our site plan and they certainly don't have a 50 FT buffer between the back of their property line and where their home is positioned. So, I think we need to look at the facts and consider the merits of the project and the efforts that have been made to create something wonderful for the neighborhood. Mr. Ouimet stated right now is a good time to hear from the engineer who did the work on the noise study because it's the noise that were interested in and not the amount of buffer that's going to be proposed. Ms. Johnston asked was your question in regard to 70 decibels and what is a common noise generator of 70 decibels? Mr. Nadeau stated my question was; what is an equivalent to approximately 79 to 80 decibels. Ms. Johnston stated the following: An 80 decibel noise level is like a garbage disposal at 3 feet or shouting at 3 feet, which is an indoor thing. Noise in a urban area in the daytime is 80 decibels. Mr. Nadeau asked what is a chainsaw or a neighbor's lawnmower? Ms. Johnston stated a lawnmower is between 90 and 100 at 3 FT and it doesn't specifically give me a chainsaw. Mr. Ouimet asked when you did your studies, how many decibels were recorded from the existing Northway noise? Ms. Johnston stated the following: The closer you are to the Northway, obviously the higher they are. So, was some citation of around 80 and that's the highest at the location. Mr. Ouimet stated well, let's go down to 1 Princeton where there was a collection site I believe. Ms. Johnston stated it varies is the answer to your question. Mr.

Ouimet stated well, it varies if there is no traffic and I understand that if there is no noise. Ms. Johnston stated at the different locations and we had 10 different locations. Mr. Ouimet stated the following: No, but if we just focus for a minute on 1 Princeton, which the gentleman spoke about tonight, we'll have a point of reference to deal with. Ms. Johnston stated the following: We measured those locations several times and the results were consistent and those locations are what we identify as locations 4 and 5. So, if you go back to our noise study for location 4, the maximum noise level at location 4 was in the afternoon and that was 77 decibels. Mr. Berkowitz asked what time of the year was this study done? Ms. Johnston stated we did it 3 different times of the year; we did it in April, January and August. Mr. Berkowitz asked was there a difference? Ms. Johnston stated the following: Not substantial. We did it in leaf off conditions and leaf on conditions and there were, what I consider, minor or a few decibels difference, but not substantially. Mr. Ouimet stated the following: I think it is important on what you found when you did it. So, what did you find at that location? Ms. Johnston stated again, at location 4 is Princeton and this is a larger view of our same area map that shows the neighborhood. So, at location 4 the highest recording was 77 decibels and that was in January with leaf off conditions. Mrs. Smith-Law asked what time of day did you say that was? Ms. Johnston stated it was at 4:00pm. Mr. Nadeau asked was that the highest reading that you obtained on the site of all the readings? Ms. Johnston stated the following: No, that is the highest on Princeton to answer the Chairman's specific question. The closer you get to the Northway it is louder. Mr. Ouimet stated the following: Okay. Now you did projections as to how that may increase with the build-out of the project that you are proposing, correct? Ms. Johnston stated that's correct. Mr. Ouimet asked what were your findings? Ms. Johnston stated that is the 3 decibels maximum change that we talked about. Mr. Ouimet asked so, would it approach 80 decibels? Ms. Johnston stated the following: No, it would not approach 80 decibels at those locations. We were talking in that particular location; the project itself creates a noise attenuation. The buildings themselves deflect more noise than the trees. So, that creates a noise buffer in and of itself. Plus we still have this distance of forever green that is going to be maintained within the New York State Department of Transportations (NYSDOT) right-of-way and then on the property itself. Mr. Ouimet asked do you know how deep that NYSDOT right-of-way is that is covered with vegetation and not the ones that are cut or maintained by mowing. Ms. Johnston stated the following: Yes. It's about 150 FT up to Mr. Belmonte's property line or the project property line. Mr. Ouimet stated and you're proposing to add 50 FT on top of that, correct? Ms. Johnston stated correct. Mr. Ouimet stated so that would be a 200 FT no-cut basically from the edge of the maintained area on this side of the Northway. Ms. Johnston stated correct. Mr. Ouimet stated and your studies have indicated your projections; in other words, have indicated that it would be a very slight increase in noise. Ms. Johnston stated the following: That's right. We followed the industry protocol and we also had our review from the independent engineer to confirm our process and results. Mr. Ouimet asked was that your findings too Mr. Bianchino? Mr. Bianchino stated correct. Mr. Roberts stated concerning the gentleman's photos on his phone that show a drainage problem; how do you propose addressing those problems? Mr. Dell stated the following: As I mentioned before, right now there is an existing 24 inch culvert that crosses under Newcastle. On the upstream side of that it is kind of a blocked up structure that forms a rectangular channel that discharges then down into that 24 inch culvert and right before the entrance to that 24 inch culvert there's a small what looks to be a concrete weir there. So, there is an impediment to flow right there. So, what we would look to do as part of this project would be to upsize and improvement that drainage corridor right there at that point and upsize that pipe from 24 inch to a 30 inch pipe. While it only sounds as though it's a 6 inch increase, it's actually nearly doubling the capacity of that pipe going from 24 inch to 30 inch. Mr. Roberts asked Mr. Bianchino if he thought that was enough or should they go to 36? Mr. Bianchino stated the



following: Well, we also have to consider what is going on at Woodin Road because there is another culvert there that we just replaced a couple of years ago. So, I have in my notes that at some point here and obviously I want to revisit that and look at it again based on what Mr. Dell is proposing and relook at those numbers just to see. Mr. Nadeau stated the following: What is your answer to Ms. Kowsky's drainage towards Dunsbach? What kind of increase will be onto Dunsbach, which I believe is a current problem now? Mr. Dell stated the following: Correct. We are going to have a stormwater basin on the south side of the property that's going to collect stormwater from the developed portions of the southern side of the site, which will then discharge that stormwater at a controlled rate such that our post-development flows off towards the south would be less than or equal to what's going there right now. So, yes we will be discharging stormwater from our site toward the south and ultimately into the drainage corridor, which heads towards Dunsbach. However, it will not be at a greater rate than what it currently does now. Mr. Nadeau stated so, it will still flood out. Mr. Dell stated I'm not aware of any flooding down there, but that is something that we can look at. Mr. Nadeau stated I thought she said that there was an issue that it floods out. Mr. Belmonte stated the following: There is a very fundamental thing here that I think gets lost in the emotions of the situation. Because there's a neighborhood of 51 homes, it doesn't mean that there is more rain falling out of the sky and it doesn't mean that there's more water concentrating in the woods. What we're actually adding is an element to the storm management system that will collect and control the off-flow of water and we are not allowed by the State regulations to discharge the water from the site any more rapid than it does now, but yet we're doing it in a controlled state. So, by nature, neighborhoods like this through the collection and the management of the flow of the water will improve off-site conditions. With all that said, it's not our objective ever to enter into a neighborhood or a subdivision situation that compromises our neighbors. Those neighbors are there and we respect them. We understand that you work hard to pay for the home that you have and that's the same type of customer that we're looking for in our homes. As a matter of fact, we're hoping that some of you will be our customers and that you'll decide for one reason or another that there is a change in our lifestyle that will want you to buy a new home. We're not looking to compromise the neighborhood. If there's more work that we need to do with the Federal and State agencies to conclude what these off-site problems are and mitigate them and that's part of our responsibility of being a good neighbor and we're certainly going to do that. I think the 8 years that we've been working at this project is a consistent display that we're willing to listen, analyze, engineer and re-present and that's not going to stop just because the Town gives us the approval to go to the next stage. We understand what our responsibility is and we do plan on living up to it. Mr. Roberts stated the following: These questions are no reflection on Mr. Belmonte, but where we sit, we have an obligation to balance what your proposal is in comparison with the people in our Town who are sitting here and their concerns. So, that's what we are trying to do here. Mr. Belmonte stated the following: We absolutely understand what your responsibility is and we understand what the neighbor's responsibility is to themselves and their neighbors are too and quite often it can be emotional and antagonistic. That's also why we listen very carefully before we react and we're very cautious when we open our mouth because it would be very easy for us to react with the same level of emotions that the neighbors are projecting toward us and that's not our role. We're here to solve the issues, make a good neighborhood, be a good neighbor and move forward in the best interest of everybody involved that live there now and that is the Town's responsibility to protect and there are responsibilities to protect the investment of the homeowners that we are going to try bringing to this community. Mr. Higgins stated the following: Over the past number of years this Board, not only on your projects, but other developers projects have seen instances where the calculations didn't work and as Mr. Roberts said, that's why it is our responsibility to ask the question and be

pessimistic sometimes when we are told "we will not increase the flow" because we have seen it happen time and time again. That is why we ask the questions. Not because we're being antagonistic, but because we want to be cautious. Mr. Belmonte stated the following: We welcome all of those questions because we know we're not perfect and we make mistakes. I don't think there's a better engineering team in the world than the one that launch the space shuttle that blew up. Mistakes happen and we know that, but it's not the fact that we made a mistake it's how we react to the mistake. I'm hoping that the Town of Halfmoon, like other municipalities that we build in, will always say that "ya, that was a booboo", but they reacted to it in a positive way. We understand that that's our role. Mr. Higgins stated the following: I've asked this before and my concern is on the north side, it may not be wetlands, but there are some severe elevation changes. I've asked several times how you plan on curtailing the amount of water that's going to go through those elevation changes. We've talked about swales at the back of the properties and we've talked about several different things, but my concern is that the swale may work the first year, but what do you do for maintenance 5 and 6 years down the road when those swales are filled in and there is no way to get back there to do maintenance? Mr. Belmonte stated the following: Any swale that the Town feels that they need to maintain an easement to, to be able to protect the interest of all of the homeowners long after we're gone; we're more than willing to grant that easement. We certainly won't deny an easement in everybody's best interest. Mr. Higgins stated the following: That's my question. Are you going to have the Town going through homeowner's back yards with a front end loader backhoe trying to clean out the swales? Mr. Belmonte stated the following: I think we need to be more definitive on what we're talking about. We're not doing anything to disturb the back sides of the slopes. Mr. Higgins stated the following: I've asked this question at 3 previous meetings and I keep being told that there are going to be swales and I've asked the question; how are those swales going to be maintained? I'm talking about the back of lot numbers 6, 7, and 8. This property drops off in the back so; you have all these lawns and cleared areas and all of this water is going that way downhill. Mr. Belmonte stated the following: Understand that on the backside of those slopes; that's all in that preserved area that we're not going to touch. Anything that happens to the backsides of the slope today will happen to the backsides of the slopes for eternity. Mr. Higgins stated no, you're getting more because you are going to have cleared spaces and lawns. Mr. Belmonte stated the following: That cleared space is on the street side of those slopes. So, that water will be coming toward the homes and will be concentrated through the lawn swales, which we will grade in there to bring the water to the street. So, it will come over the wing of the street into the street collected by the neighborhood storm management area and brought into the detention ponds. Mr. Higgins stated so; none of this drops off back here and you're saying that this is all pitched towards the street that is shown in all the light green area. Mr. Belmonte stated there will be a positive drainage away from the home and by code we have to create a minimum pitch away from the foundation in the first 10 FT. So, you are correct, behind the home the water will be pushed away. It will then be collected in lower grading swales and brought up to the street. So, it will come back, around and forward. Mr. Higgins stated the following: Who is going to maintain those swales? Will it be the property owners? Mr. Belmonte stated the following: It is no different than your lawn. We're going to grade that lawn in a way that it will drain. You mow your lawn every week like I do and that's what the maintenance program will be for those. If somebody elects to go in there and install a pool or alter the grade of their yard by putting a retaining wall in, that is something that's going to be very difficult for you and I to prevent human error, understand? It's not customary for the Town to be asking for an easement in between every home. Mr. Higgins stated the following: No, agreed and that's my concern. I think you're being optimistic on the buildable areas on some of these. I think you're trying to put too many houses in some of these areas where you could potentially have run-off

problems. Mr. Belmonte stated the following: Well, we're going to professionally disagree on that. This neighborhood has been laid out per the Town's plan, the Town's Master Plan, the Town's zoning and we've used all prudent judgment as far as creating the density, the lot widths are fully conforming to what the Town standards are. I don't know a better guideline that we could have used to create this site plan. Mr. Higgins stated the following: I've said it before and I'll say it again; I think you're being optimistic on the buildable areas that you're looking at for these areas. I still think you have a problem with drainage and I still think that you're putting too many houses in and you're not anticipating the amount of drainage that you're going to have coming off especially on the northern end. Mr. Belmonte stated then we'll have to disagree. Mr. Higgins stated I agree. Mrs. Smith-Law stated the following: I would like to ask a question along those same lines. The darker green area; how does that slope? Does that slope toward the new houses or toward existing houses on Manchester? Mr. Belmonte stated the following: Both. If you look at this contour line here, that's a knoll. So, it's going in both directions. The highest elevation there is at 288 and the lowest elevation is at 280 and then it's 278 and continues down toward the road. Mrs. Smith-Law stated the following: I have to kind of expand on this gentleman's comments because I live at a home where there were promises that this was going to work and it doesn't and you were not the builder. Part of it is because there was so much clear cutting in a development behind us as well. So, everything is supposed to drain down into my creek on my property and over the last couple of years all of our yards on our side of the road have flooded and it's not just these mega-storms, it's storms in general because the creek has filled up with debris and fallen trees, the culvert isn't adequate on Harris Road to handle it and I know when I was on this side, I asked if there's a problem, what's my recourse and I really found out that I have no recourse. So, how do we address that for these people if this doesn't work? What happens? I'm not just talking about your new homes; I'm talking about the people on Manchester. Mr. Belmonte stated the following: I don't think that answer is that difficult. As part of the subdivision, we submit everything through multiple agencies for review. We also put bonds up to certify that our work is going to be done correctly. The Town retains those bonds for an extended period of time and eventually we ask them to return them to us and either they do so or they don't and enough time has passed where they've got a relatively good feeling that the roads were constructed correctly, they're holding up under the traffic as designed, that the storm management areas are done and done properly and operating as planned. So, I don't know of a better way to do it than that, but there are protections put in. Some of these protections were mechanisms designed in more recent years in the last decade. Prior to that, things were certainly much more loosey-goosey and the same policies weren't in place, but the Town has gotten better as time has evolved and they realized more of what challenges they have with new subdivisions. Mr. Ouimet stated the dark green area shown on your depiction of the project; how is that going to be maintained? Through deed restrictions as a no-cut? Because I noticed that the lots that have been laid out go into that green area. Now, if it's going to be forever green and there's going to be some kind of deed restrictions, that's one thing. People are going to buy that and they're going to say, "I own way back there so, I'm just going to spread out to my property line". Mr. Dell stated the following: The way we have it shown on the plan right now is our limits of clearing and grading. Along the Northway corridor, this would be a deeded 50 FT no-cut buffer, but in these areas up here what we have shown is the limits of clearing and grading for the individual lots. Mr. Ouimet asked is there some reason why you would not choose to do deed restrictions for those areas as well? Mr. Belmonte stated the following: I think indirectly they are the same thing because if anybody wants to exceed those clearing limits, they have to come back to the Planning Board for approval because they are map limits. It is no different than the setback that we have for the home or side yard setbacks and they are all set by the Town. Mrs. Murphy stated the following: I think that the issue

has been in the past. You're saying right on your map that you're going to put deed restrictions showing the no-cut and then on the other side you're not putting them in the deed and this Board is very conscious of anybody who is buying a home would be able to see in the deed when they purchased the home that there is a no-cut buffer that's on their property because let's face it, most people when they buy a home don't grab a map. So, this Board would prefer that it be part of the deed. Mr. Belmonte stated the following: We have no problem making a deed restriction. It would be my guess that instead of having an undulating line, we probably should make it a straight line so it's more clearly depicted and understood. The way the line is going in and out is going to be very difficult for a person to comprehend. So, we could straighten the line out and make it a deed restricted. Mr. Higgins stated the following: The problem that we had in the past is enforcing that deed restriction. You and I both know that has been a problem in the past. Mr. Belmonte stated Mrs. Murphy has taught me well; deed restrictions are civil cases, not Town issues. Mr. Higgins stated exactly and civil cases between who? Ms. Shadlock stated property owners. Mr. Belmonte stated I think between anybody, the Town can take a civil issue against somebody. Mr. Ouimet stated the following: I still have a couple of concerns after listening to the public tonight. I hear from the traffic engineer and from our engineer that the existing road width that this development is going to add traffic onto and while it's only 20 FT wide, it's built to standards at the time the subdivision was approved. That's well and good, but I'm not so sure that it doesn't create a problem to add additional cars to it whether it is 20 cars or 30 cars and somebody said 500 cars and I think that is a little wild. Irrespective of that, I'm still skeptical that the road system can handle the additional traffic especially in light of some of the anecdotal evidence that we heard tonight about near misses walking on the street, near misses with people stopped at stop signs and can't see things. It's hard for me to sit here and think about adding to an existing problem. The width of the road is one thing and the number of cars. Ms. Johnston stated the following: Regarding the width of the road, I can appreciate the neighbors' concerns. However, there is a couple of things. What we're proposing is a residential subdivision and the use is consistent with the other uses on that 20 FT wide road. So, it's not like the type of traffic is going to be tractor-trailers whizzing through there, it's consistent with the type of traffic that those roads accommodate now and the volume is going to be maintained at low level. If, for example, you asked for us to widen those roads, often times that results in higher speeds and by keeping the roads narrower the way that they are, your speeds stay down and it's a traffic calming measure. You're attuned more to what's happening on the immediate adjacent side road more than if your road was substantially wider. So, your volumes are going to be low within the threshold for residential streets, the speeds will stay lower and the character of the traffic will be the same as it is today. Mr. Ouimet stated but, it will be greater. Ms. Johnston stated there's no doubt that it will be greater. Mr. Ouimet stated and there will be more school buses and there will be more delivery trucks. Ms. Johnston stated I do not know that there will be more school buses and I do not believe that the audience knows that either. So, it could be that the existing school buses can accommodate these children and we don't know that, but it's the same character of traffic that is being accommodated out there now. Mr. Ouimet stated the following: The other piece that I haven't been able to reconcile tonight is the noise and the stormwater. I don't live too far from this proposed development and I hear the noise and I know that there will probably be an increase in noise even if this development isn't built there will be an increase in noise because there is more traffic and that's not going to go away. The dilemma for me is; is there going to be that much more noise that will really change anything? Will it be unbearably loud, will it be the same or just about the same and will it be perceptibly louder? Ms. Johnson stated the following: That is just exactly the gist of the analysis. We all recognize the noise is there now and the results of the analysis demonstrate that this project will not change that character of the noise that is there now.

Mr. Ouimet stated I don't know if I can get my arms around that. Ms. Johnston stated the following: We have done our noise analysis several times, I know your Town engineer and because of the feedback that Mr. Belmonte received previously, he also hired an independent consultant; Greenman-Pedersen Inc. (GPI) in Albany to review both the noise and the traffic. They came back with an independent review and concurred with the findings. So, now we have three and I'll say the best three engineering firms in the Albany area that have come to the same conclusions independently, but with the following standard analyses. Mr. Ouimet stated the following: Finally, my problem is stormwater. I've heard it, I've heard what you're proposing that will fix the stormwater, I saw that poor fellows garage and driveway flooded out and I can't imagine that when you cut whatever you're going to remove from this site that that won't have an impact on increasing the amount of water that has no place to go. I just can't understand it. If you're only going to leave 37% of the vegetation, doesn't the vegetation have any effect on holding back the water? Mr. Dell stated the following: Correct, yes, vegetation does. However, our Stormwater Pollution Prevention Plan (SWPPP) that will be designed will have both an existing conditions analysis and a proposed conditions analysis that will continue to be highly scrutinized by CHA and Mr. Bianchino to ensure that our post-development flows are less than existing conditions. Regarding the gentleman who showed pictures of flooding; we see that on the existing conditions model. The solution to that would be to upsize that culvert and by upsizing that culvert that has double the capacity of that 24-inch culvert essentially. So, it would rectify or at least help his current drainage situation down there. Mr. Ouimet asked what is the current condition of that drainage canal that is already there? Mr. Dell asked are you referring to the creek channel itself? Mr. Ouimet stated yes. Mr. Dell stated the creek channel itself meanders along the north side of the property. Mr. Ouimet stated I know it does, but what is its condition? Mr. Dell stated it is a natural streambed. Mr. Ouimet asked does it need to be cleaned out and is that what is causing the water to do what it is doing? Mr. Dell stated the following: That is a wetland that we really can't cleanout. We can rectify the culvert situation, but the wetland itself is the wetland. We can affect how that wetland drains to the next drainage course and we can alleviate the existing problem by adding additional capacity to that conveyance. Mr. Ouimet stated the following: I appreciate the fact that you're taking the water back from Manchester into that existing drainage channel. However, I'm not so sure that while the stormwater collection areas provide an avenue for an orderly release of the stormwater and I'm not all that sure that you are going to be able to collect it all even when you release it in orderly fashion that it won't inundate the existing capacity to take the water away. Mr. Dell stated the following: Right now coming down Manchester there is a very small drainage area that's contributing to the problem area located at this flatter area and the way that I understand it from Mr. Pingelski is that it expands over time and as more water comes on it ices and ices and ices and continues outward. So, we're talking about a small drainage area that is making this problem. So, that water will ultimately get to that drainage corridor and we're just going to be moving it there in a more efficient manner. Mr. Ouimet stated right, but is that drainage corridor sufficient to take it away? Mr. Dell stated yes, I believe it is. Mr. Ouimet stated the following: It isn't currently. Were you thinking that the proposed fix on Newcastle will alleviate that problem and make it efficient enough to take it away? Mr. Dell stated the following: It will certainly help. When we worked through this with CHA, if we have the available cover and the room, that pipe could go from a 30-inch to a 36-inch. Our preliminary analysis looking at it; adding a 30-inch as opposed to a 36-inch will give us double the capacity and enough to move along that storm event very effectively because in the Town of Halfmoon we are required to design for the 25-year storm event for the pipes. Mr. Nadeau stated I think that we should table this proposal because I would like to take a ride over through that subdivision again just to look at

some different items that I've made notes on. Mr. Roberts stated I agree just by what we've heard here.

This item was tabled for further review.

**New Business:**

**13.117 NB      Millsop/Poe Subdivision, Farm to Market Road – Lot Line Adjustment**

The applicant requested to be removed from the agenda; therefore, no action was taken on this item.

**14.001 NB      Sicko Subdivision, 1470 Crescent Vischer Ferry Road – Minor Subdivision**

Ms. Kelly Malloy, Attorney for the applicants, Anna Osborn and Gloria Berlin, stated the following: Ms. Osborn and Ms. Berlin are the owners of 1470 Crescent Vischer Ferry Road. This property is located on the southern side of Crescent Vischer Ferry Road and consists of approximately 10-acres. There is a single-family home, which is located towards the front of the property and the applicant's wish to subdivide the existing 10-acre property into 2 parcels. One parcel would consist of the single-family residence with about an acre of land and then the rear parcel, which is about 9-acres that is vacant land, will then be merged with existing lands owned by one of the applicant, Ms. Berlin. Mr. Higgins asked are these houses all on Town water and sewer? Ms. Malloy stated the residence located 1470 Crescent Vischer Ferry is on Town water and it has its own septic system. Mr. Higgins stated okay, because that is not shown anywhere on the plans. Mr. Berkowitz stated I'm not referring to the lots that you are subdividing, but were these 2 lots originally owned by Roberts and Cosick part of this whole parcel? Ms. Malloy stated yes, in the early 90's there was a subdivision and I believe that the front parcel was created as a result of taking a subdivision of the 1466 Crescent Vischer Ferry Road, which was owned by Roberts I think, and some land was deeded over from the Roberts to the Ms. Osborn's and Ms. Berlin's parents, who I think was Mr. and Mrs. Sicko to create that roughly 140 FT frontage on this property. These lands in the rear are all part of the Sicko family lands. Ms. Berlin and her husband reside at 1460, 1460A and beyond. Mr. Berkowitz asked how about Trembly, was that originally part of it? Ms. Malloy stated I have no knowledge about that so, I can't comment on that. Mr. Berkowitz stated the only reason why I'm asking is because it might be a major subdivision instead of a minor subdivision depending on how many subdivisions were done early. Ms. Malloy stated I think the last one was done in the early 90's, which covered the land in the back. Mrs. Murphy stated Mr. Bianchino is saying no. Mr. Higgins stated could you make sure that the map is updated showing septic and wells on any of the adjacent properties as required. Ms. Malloy stated I do know that it has Town water because I've checked with the Town on that and I will have Mr. Gil VanGuilder show the septic locations. Mr. Higgins asked what about the property in the back? Ms. Malloy stated in the rear, I believe that is connected to Town water, but I can verify that for the Board. Mr. Higgins stated yes, if you could just confirm that please. Mr. Nadeau asked is this located by the ice cream stand on Vischer Ferry Road? Someone from the audience stated that it was almost across from the ice cream stand.

Mr. Roberts made a motion to set a public hearing for the January 27, 2014 Planning Board meeting. Mr. Berkowitz seconded. All-Aye. Motion carried.

**14.003 NB      Showtime Barbershop, 1471 Route 9 (Crescent Commons) – Change of Tenant & Sign**

Mr. James Dutko, the applicant, stated the following: I'm the owner and founder of Showtime Barbershop that is currently located at 1714 Route 9, Clifton Park. However, the entire building at 1714 Route 9 is going to be removed due to a new ownership and they are going to be doing some land development there. I'm looking to move into the Town of Halfmoon and I run a 4-chair barbershop, which is where we practice the old school fashion hot-towel shaves. I'm looking to move into Crescent Commons on February 1, 2014, which is located next door to Fred the Butcher. Mr. Ouimet asked are there 3 barbers? Mr. Dutko stated there are 4 barber chairs. Mr. Ouimet asked how many barbers will you have at any one time? Mr. Dutko stated I have 3 barbers and 1 part-time so; it will be 3 at one time. Mr. Ouimet stated okay, 3 at the same time and then the fourth comes in when needed. Mr. Dutko stated the fourth barber would come in on the weekends. Mr. Ouimet asked what would be your hours of operation? Mr. Dutko stated our hours of operation would be Tuesday-Wednesday 9am-6pm, Thursday-Friday 9am-8pm, Saturday 9am-6pm, Sunday 12pm-5pm and closed on Monday. Mr. Ouimet stated okay, so you are going to have Sunday hours. Mr. Dutko stated yes. Mr. Ouimet asked Mr. Harris if there was sufficient parking available. Mr. Harris stated yes. Mr. Ouimet asked regarding the sign application. Mr. Dutko stated Adirondack Signage is doing the signs and they are taking the old panels out and installing new panels with Showtime Barbershop. Mr. Roberts stated I have looked at the sign applications and they are just replacing the old signs with the applicant's new signs.

Mr. Berkowitz made a motion to approve the change of tenant application for Showtime Barbershop. Mr. Higgins seconded. All-Aye. Motion carried.

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

**14.004 NB      Webzysolutions Inc., 15 Cabot Way – In-Home Occupation**

Mr. Jay Gupta, the applicant, stated the following: I just started incorporation on January 1, 2014. I am looking to operate an In-Home Occupation for a Computer Services office. I would be the sole proprietor and would run my business in my basement and this is an internet based company. Mr. Ouimet asked would people be coming to your home for your business? Mr. Gupta stated no and I also will not have a sign and I will not have any employees. Mr. Ouimet asked the applicant to explain exactly what his business operation would be. Mr. Gupta stated the following: We would be outsourcing business and we have call centers internationally; like in India. If people have any computer technical problems, we solve them in the call centers and I would have a call center in my home. We basically do software development, mobile applications, networking support, PC optimization, search engine optimization and other related computer services. So, that is the type of work that we do for American citizens. My main goal is that I do the gateways and it's like a credit card on the internet. So, I provide gateways to the call center in India. It's very difficult because people sometimes want refunds if they are not satisfied with the centers so, gateways put a hold on the company and I am the person who has to find more gateways until the hold is gone. The call centers get 80% of the profit and I get 20% of the profit because I am the gateway person and they are the people who manage all of the work there. Mr. Ouimet stated right, but everything you do is on the computer and it is all digital in other words. Mr. Gupta stated the following: Yes. It is all computer based and I could also do it right here on my iPhone or computer. Mr. Ouimet stated so, you wouldn't have people coming to you and they don't drop off equipment for you to service or anything? Mr. Gupta stated no, it's all software and no cars would

be parked outside of my home. Mr. Ouimet asked is it just you with no employees, right? Mr. Gupta stated I have no employees. Mr. Ouimet stated so; this is basically a home-based business. Mr. Gupta stated the following: Yes, it is a home business and it's very simple. We are in a starting mode and if I need more space, I will go to some other place and not do the business in my home. Mr. Ouimet stated because it is a home-based business, our code requires that we have a public hearing so that your neighbors know what you are doing and if they have an objection, they can come in and voice them and we will do that at our next meeting, which is two weeks from today. Mr. Gupta stated okay.

Mr. Roberts made a motion to set a public hearing for the January 27, 2014 Planning Board meeting. Mr. Higgins seconded. All-Aye. Motion carried.

**14.005 NB Billie's Barber Shop, 2A Hayner Heights Drive – Change of Tenant & Sign**

Ms. Billie Jo Carl, the applicant, stated the following: I'm the current tenant at 2A Hayner Heights, which is Billie's Barber Shop. I'm looking to take over the space in the rear of the building that was previously occupied by Finally Free Electrolysis. So, I'm looking to expand and also to gain a second bathroom, which will be very much welcomed. I will be adding another work station and there will be extra storage available also. Basically, I just want to occupy the entire building so I have more room to grow. Mr. Ouimet asked Mr. Harris if he looked at the parking situation at the site? Mr. Harris stated the following: Yes, the site has 17 lined parking spaces and easily 6 unlined parking spaces. So, there are 23 parking spaces and code requires 18 parking spaces. Three parking spaces are required per station and for all 6 stations, 18 parking spaces are required. So, there appears to be no parking problem at this site. Mr. Ouimet stated so; there wouldn't be any parking problems because the parking spaces have been assessed and found to be sufficient for the number of chairs. Ms. Carl stated there is an existing sign underneath the sign I already have, which I'm not looking to change structurally. I would just be removing the fiberglass sign and replacing it with a phone number and "walk-ins welcome". Due to the size of my sign that I had before, I didn't want to congest it with a phone number. So, now that I have the space available, I would like to do that. Mr. Roberts stated I have looked at the sign application and the sign fits the code.

Mr. Roberts made a motion to approve the change of tenant application for Billie's Barber Shop. Mr. Berkowitz seconded. All-Aye. Motion carried.

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

**Old Business:**

**04.172 OB Clemente PDD, Route 146 – Amendment to PDD**

Mr. Andy Gilchrist stated the following: I'm here tonight representing the owner of the Clemente Route 146 Planned Development District (PDD). Mr. Scott Lansing from Lansing Engineering is also with me tonight. We are here before the Board on a referral from the Town Board for a recommendation of what we are proposing. This is a minor modification to the PDD and I think it is a good idea to have Mr. Lansing start to just refresh the Board on the actual proposed development. Mr. Lansing stated the following: Just to refresh the Board's memory as it has been some time since some of the Board members have seen this project. The overall parcel is approximately 104-acres total and is located on Route 146. As far as the surrounding uses; we do



have the Saratoga County Sewer District Waste Water Treatment Plant in this area and we have some vacant land to the south and to the southwest. Mr. Ouimet asked Mr. Lansing if he had any maps of the site. Mr. Lansing stated we brought this map just to show a representation. Mr. Berkowitz asked do have any maps for the Board? Mr. Lansing stated no, I do not. Mrs. Murphy stated the following: What happened is the applicant filed a PDD application with the Town Board where they provided 10 copies of the maps, but the maps may be in the Town's Clerk Office. Mr. Lansing stated the following: For the Board's clarification, these are not new maps. These are maps from the original PDD and we're just going through the original PDD and what that did include. To get back to the plan as far as the surrounding uses; we do have some commercial uses along the Route 146 corridor and to refresh the Board's memory; across the street on Route 146 there is the Pino PDD, which is a shovel ready site that is also a Light Industrial/Commercial (LI-C) PDD. As far as the existing conditions on the site; as you can see from the aerial photo there is an existing active mine on the site that is operating within a New York State Department of Environmental Conservation (NYSDEC) permit. Approximately 2,000 tons per day is being excavated and removed from this parcel and for the Board's reference; that is approximately 100 to 115 trucks per day exiting the site currently. As far as the approved PDD; I believe this was approved back in 2005 and it does entail 600,000 SF of LI-C space and we do have a roadway that is proposed to access the site ultimately and that roadway is approximately 2,300 FT with both legs of the roadway. The maximum of 14 lots was anticipated as a part of the original PDD and it was anticipated to be done in phases discussed and approved in phases with the first phase being a self-storage facility of approximately 138,000 SF and the balance of 262,000 SF would be positioned again in those ultimate maximum of 14 lots for the project. As far as the infrastructure with water, stormwater and sewer; water does include an extension of water that goes up Farm to Market Road and connects to the existing water main on Pruyn Hill approximately a 6,000 linear foot extension for the project. Sanitary sewer; there is an existing main right in front of the parcel that the project would connect to and stormwater would be mitigated on-site. Also, as part of the project there were traffic improvements. A traffic study was performed for the project and the improvements were outlined in the PDD in that the first 100,000 SF of improvements on the parcel would require the analysis and the possible construction of a turning lane for the project and the second 200,000 SF would require the analysis and possible construction of a traffic signal for the parcel. So, that is essentially the existing PDD. Mr. Gilchrist stated the following: That was just for purposes of background and Mr. Lansing was correct; the original PDD was approved in 2005 and as you can see from the aerial photo, that has not been built-out yet. The current proposed amendment to the PDD does not change anything with the underlying project and the Board needs to know that. The owner of this project, as approved, is still intent on building this out and it just has not been built-out yet principally because of the economy in 2008. We wanted to make sure that the Town knew that the owner was intent on building this out. Part of the project is an extension of the water main and I can report to the Board that the owner is working on proposals to extend that water main and he is currently working on that and he is looking forward to doing that. The principle reason for this clarification was twofold. The first reason is to make sure the procedure was clear; Mr. Lansing said a maximum of a 14-lot subdivision and we wanted to make it clear that the procedure in front of the Board would be a subdivision of the parcel into a maximum of 14-lots and then a lot by lot site plan review by the Planning Board before any individual lot was built-out. There was some language in the PDD that talked about bonding for the waterline and construction of the waterline prior to issuance of any Certificate of Occupancy (C.O.) for the project. We wanted to make it clear that there were some approvals that were required on this including the full 14-lot subdivision, but then a parcel by parcel build-out. The waterline will need to be done before any C.O. is issued for the first parcel and we wanted to make that clear under

the PDD before this process got started. The second reason for this is you'll see the current existing operations on the site and we wanted to make it very clear that the Town understood that there is an active mine on the site, it has mined for years and it will continue to be mined until this project is started. While that mining activity is going on; based on market demand, my client wanted to make it very clear under the PDD's legislation that those existing operations could continue and that certain additional activities were anticipated based on market demand and these would include what we're terming as value added products. Realize that when this material is being excavated, and Mr. Lansing went through the number of trucks removing the material, there is portable equipment being brought on in terms of screeners and in terms of crushers that are preparing this material for the market. There is opportunity for my client to add certain other product lines from this, not just the raw rock or raw material coming out and we wanted to insure that under the current zoning, since it is a PDD under the current zoning; that those activities could occur. Those value added products could be anything from blended materials, to bagged materials, to topsoil blending and it could include other value added products. So, we wanted to make that clear in the legislation so before those activities occurred the Town was well aware of that and it was anticipated under the zoning for this site, which currently is the PDD approved zone. We propose to the Town a modification to the PDD in terms of proposed legislation that makes it clear in terms of the subdivision approval and the site-by-site site plan and the procedure for that in front of this Planning Board. It also makes it clear that those existing activities are occurring on the site, they are compliant with the PDD zone as preliminary activities prior to the build-out of the Industrial/Commercial development and that this would provide a legislative basis for doing the additional products before that equipment is brought on-site. So, we've made that application to the Town Board just to insure that the PDD legislation anticipated that and we're here for review and recommendation by the Planning Board on that and we're happy to answer any questions that you may have. Mr. Ouimet stated the following: I'm not really sure that I understood you. You said the mining operation will cease upon what event? Mr. Gilchrist stated well, we're not going to have consistent uses of a mine operation and the build-out of the park. Mr. Ouimet stated the following: The mining operation will cease upon what event? "Cease" and I'm not talking about continuing operations or modified operations and when is it going to stop? Mr. Gilchrist stated the following: We'll get that information to you and I don't know that in terms of the build-out of this. There are two parts to your question; one is, when is it going to stop period and secondly that's really depending on when is the underlying project proposed to be built. As I stand here in front of you, I don't have the answer to that, but I will confer with my client on that. Mrs. Murphy asked do you know when their life of mining expires? Mr. Gilchrist stated the following: There was a recently modification and I have to believe it's probably got at least 3 to 4 years left on that and that did go through a recent modification and those are 5 year mining permit terms. So, there has to be 3 to 4 years left on that mining permit. So, I can get you additional information on your question on when will the mining cease on the property. Mr. Ruchlicki stated the following: I'd be interested to know the products that are being prepared there on-site through the mining operation. Are they going to be all organic substances; be that, if you were making topsoil, if you were crushing rock and that type of thing? Is that the nature of the materials that you're talking about? Mr. Gilchrist stated they can range from a lot of things based on market demand. It could be asphalt products and I want to make it very clear that it could be concrete products and there is portable equipment that could be brought onto the site and batched that and taken off the site. It could be, as I said, topsoil blending and there are crushers and screens for different types of material specs. We would like the opportunity to have the flexibility to do that in conjunction just with the current site operations, but all of the material that is excavated on the site becomes blended on the site. There could be some imported material and yes, there could be asphalt

brought to the site to blend with the stone on-site. Mr. Ruchlicki stated the following: I guess that really was my question and getting to the point; you would possibly be bringing petroleum products on the site. Mr. Gilchrist stated correct and that would be one option my client would like to pursue. Mr. Higgins stated so; basically you want to change the operation that is presently and historically been done at the site. Mr. Gilchrist stated yes, there would be additional activities occurring on the site and we wouldn't cease the existing activities. Mining and excavation of material and processing that material would continue, but there could be additional activities added and that could mean importation of some materials and equipment. Mr. Higgins stated the following: Okay. I was on the Board at the time this original PDD was approved and to the best of my knowledge that was never even mentioned in the approval of the PDD. As far as the original storage building; and Mr. Nadeau and Mr. Roberts might have a better memory, I remember that we had extensive discussions about whether or not the storage facility even needed water and I believe there was some discussion about whether or not the water main had to be put in before the storage building could be built. If you check the meeting minutes, there might be a note in there that said that they could go ahead and build the storage building as long as there were no restroom facilities before they built the waterline. So, I think that's different and you're saying today that you are going to build the waterline before you do anything. Mr. Gilchrist stated that is the way that I read the PDD legislation. I would be happy to check the meeting minutes to clarify that. I simply read the existing PDD legislation in your code and the way I read it appeared to say that the bond for the waterline extension and construction of that waterline extension was required before any building permits or C.O.'s were issued for the project. In the even the meeting minutes make it clear that the storage units, without any restroom facilities, would not require an extension of the waterline and I can ask that that be clarified. Mr. Higgins stated this Board may have made a recommendation back to the Town Board. Mr. Nadeau stated I don't recall, but I want to think that it was after Phase I occupancy that they would put the waterline in, but again, that was quite a while back. Mr. Higgins stated the following: Right and that's the way I recall it. Maybe the Town Board changed that in the final PDD legislation. Mr. Gilchrist stated the following: I know there is the distinction regarding the turning lane and then the traffic signal that was based on the square footage. Mrs. Murphy stated the following: The water service for the PDD will be provided by installing a new water main from the existing waterline on Pruyn Hill Road to the project site. Until water is extended as hereafter provided, a well will supply water for the storage facility. So, the storage facility was allowed to proceed and then nothing else until the installation of the waterline. Mr. Higgins stated that's the way I remembered it. Mr. Gilchrist stated the following: That's correct. Then we'll need to look at the later subsection that deals specifically with the waterline because there it just talked about overall project approval and issuances of building permits or C.O.'s. Mr. Higgins stated so obviously, if you're not talking about a storage facility at this point, then that changes also. Mr. Gilchrist stated correct. Mr. Roberts stated if approved, would the proposed asphalt plant/concrete plant be visible from Route 146? Mr. Gilchrist stated I will get that information to you regarding the visibility from Route 146. Mr. Berkowitz stated also the visibility from Routes 4 & 32. Mr. Nadeau stated regarding the traffic improvements; was that to be done as well as when the waterline came in? Mr. Gilchrist stated I've actually got that down here that the PDD legislation said that there was no traffic improvements on Route 146 required for the self-storage units. Mr. Nadeau stated right. Mr. Gilchrist stated once 100,000 SF of office space is met, then it will warrant the turn lane and then the second 100,000 SF of additional space will warrant the traffic signal and those would still remain in place. Mr. Higgins asked how long is a PDD good for if nothing has been done? Mrs. Murphy stated they have filed for extensions. Mr. Higgins stated okay. Mr. Gilchrist stated and that's part of the proposed amendment as well. Mr. Nadeau stated the following: Regarding the traffic review that we did at that time, and I believe

you said that it was approved in 2005, would we need to look at that again being that the traffic has certainly changed in this area since then? It's just a thought. Mr. Bianchino stated the following: Let me look at what we have in our files and see. I don't know if Mr. Gilchrist knows or Mr. Lansing may know. The 100,000 SF/200,000 SF threshold was a combination of the two PDD's, right? So, it was one or the other whichever, but it was the combination of the two if you remember the PDD to the north. Mr. Nadeau asked are you referring to the PDD across the street? Mr. Bianchino stated the following: Yes. The traffic study was done concurrent for both projects so, it really looked at the total combination of build-out of 100,000 SF between the two, depending on who went first or whatever, but it was clearly 100,000 SF/200,000 SF was either site or both sites together. Obviously, the existing conditions on Route 146 have probably changed since then, but we'll go back at some point and take a look at our files and see where we are. Mr. Higgins stated the following: I listened to what you said as far as your description of operation and I for one would like a little bit more description as far as what exactly you're talking about as far as the operation in the mining and gravel pit. Are you talking about an asphalt plant, are you talking about a batch plant and are you talking about an asphalt/concrete plant? I for one am not willing to give an approval just wide open. You are coming to us almost 9 years later and we're familiar with the operation the way it is now and if you want to make a major change, tell us what the major change is. Don't just say "market conditions" or say "possibly this". The worst case scenario, tell us what you want to do and that way at least the Board isn't blindsided as far as, "well, we didn't realize that there was a batch plant going in there" or "we didn't realize that you were going to have 200 concrete trucks going in and out of there a day". Obviously, it's an impact to that area, it's an impact for the Town and I think we should be told what's going in there. Mrs. Murphy stated the following: Let me ask a question this way Mr. Higgins; and I think it would be helpful; you're saying you are looking for a 14-lot subdivision, is it your intention to come back before the Board for each individual lot for site plan development and does that include any changes in the mining operation? Mr. Higgins stated that's exactly what I was trying to say, but you said it a lot better than I can. Mr. Gilchrist stated the following: I thought your inquiry was fair. Right now the proposal is to come before the Board only on the 14-lot subdivision and the lot by lot build-out of the actual commercial/industrial park and not for the existing conditions. So, your inquiry is well received that before the Board would make a recommendation on the PDD amendment, you'd like to know exactly what is being proposed and what activities could be included. That's only what we've proposed. I don't know what the Town Board would be willing to consider and approval and I don't know what the Board is comfortable with in terms of the recommendation. Your request for giving us more specifics about what could be done on this site is a fair one and we need to get that information to you. Mr. Higgins asked should we get more of a description before we set a public informational meeting? Mrs. Murphy stated you're not going to set the public informational meeting for February 10, 2014 meeting and you are going to do it at the last meeting on February 24, 2014 and that is my understanding should the Board so desire to do that and I have the language and I can forward it to all of you the language of the proposed uses. The legislation itself allows for a bunch of different things. It is going to be each and every site as it's developed that's going to be the questions that you have and I think they can get into more detail as to what they intend to do, but the legislation is going to approve general uses like any PDD does. Any light industrial PDD or manufacturing PDD is very vague as far as what specifically they're going to do unless they know with that first lot what they're going to do. I think in this case there is some leeway with regards to the legislation is going to allow X, Y and Z and you want to know what X is and you want to know what the first thing is because there has to be reason that they're coming here looking for this change and you want details on that. Somebody is not going to be able to tell you that in 4 years they're going to put in this specific detail. Mr.

Higgins stated I understand that, I'm just talking about possible potentials and what was just said; they're interpretation is that if they make major changes in the mining operation, they don't have to come back to us. Mrs. Murphy stated which is the X part that you need to ask about. Mr. Higgins stated the following: Exactly. So, I agree, if we can get more of a dissertation or description, we have plenty of time before that scheduled public informational meeting at the end of February and we can ask questions in between. Mrs. Murphy stated but if you could get something in writing to the Board ahead of time, that would be great. Mr. Gilchrist stated the following: I appreciate that. What's your standard practice in terms of time before you next Board meeting that you would like that? Mr. Ouimet stated the following: It is 2 weeks between meetings, but the next meeting has 3 or 4 public hearings already scheduled for it so, were not looking to do that. There are a number of us who might not be here at the first meeting in February and we're looking to skip over that to the second meeting in February, which would be the fourth Monday in February. Mr. Matt Chauvin stated it might be helpful, especially in light of the fact that counsel has just indicated that there has been a recent modification to the mining permit, for just a little bit of information to be included in that submission as to what exactly is now permitted under that mine permit. Mr. Ouimet stated yes, I think that would be helpful. Mr. Gilchrist stated the following: Not a problem. The current mining permit and the current mine land use plan is not an issue and that will be submitted as well. Mr. Ouimet stated normally with a normal schedule you would be on sooner than the second meeting in February, but we want to give you sufficient time to get the information in to us and sufficient time for us to review it before the public informational meeting. You can submit all your information through Mr. Harris in the Planning Department.

Mr. Roberts made a motion to set a public informational meeting for the February 24, 2014 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**12.110 OB      Crestmoore at Halfmoon, 410 Route 146 – Commercial Site Plan  
(Halfmoon Assisted Living/Special Needs Assisted Living Facility)**

Mr. Kevin Dailey, Esq. stated the following: I would like to thank the Planning Board members, the Planning Department and Mr. Bianchino for getting us back in here so quickly. The major change that we've made to the plan was to get rid of the boulevard and put a normal subdivision type road in. We did receive a comment letter from Mr. Bianchino and we think we have adequately addressed everything. I sent Mr. Ouimet a letter relative to the ultimate goal to have a second entrance and we are prepared to address that tonight in terms of whatever the Board feels is reasonable, we'll do it. Mr. Ouimet stated I think for procedural purposes we should start with the engineer's comments. Mr. Brien Ragone from Lansing Engineering stated the following: Most of the comments in CHA's comment letter are minor and there were a couple that I know were sticking items. The first comment was in regards to the one-way out and my suggestion for that would be to reduce the width coming out because right now it's 22 FT and when we originally designed it, there was a boulevard there and that was to give emergency services access to go in the wrong way if they deemed it necessary to get to the building. By reducing the width of that and flaring it out towards Route 146 along with the "do not enter" signs on either side, I believe that that might deter more people from trying to come in that way. Obviously, you are not going to be able to stop everybody, but that would be my suggestion for something like that. Mr. Ouimet asked have you discussed that with CHA? Mr. Ragone stated I did make a phone call to them today and we did talk about that. Mr. Ouimet asked Mr. Bianchino if he was in agreement with what is being proposed. Mr. Bianchino stated the following: Yes. I looked at it as two choices; one was to modify that exit drive to be less obvious of an ingress point and the second idea was to

move that exit drive to the other end of the little entry loop and I think either of those will work, but they would have to look at that with a little bit more detail in order for it to work. So, we discussed looking at both of those as they finalize their grading and everything, but either one of those will work. I just want to make sure that the final site plan would have appropriate signage and the restriction would be adequate to satisfy our concern. Mr. Ouimet stated so; I assume that you are willing to work with CHA to make sure that that entry design is acceptable. Mr. Ragone stated absolutely. Mrs. Murphy asked Mr. Bianchino what the date was on his last comment letter. Mr. Bianchino stated January 10, 2014. Mr. Ouimet asked Mr. Bianchino if he had a chance to discuss the other issues with the applicant that were raised in his comment letter. Mr. Bianchino stated the following: Yes. In going down the list, I think everything else they were comfortable with addressing and those comments were relatively some technical issues and fairly minor and nothing that is going to change the overall site plan. Mr. Ouimet asked so, between the engineers, do you all feel comfortable that you can work out those issues? Mr. Ragone stated yes. Mr. Ouimet asked Mr. Dailey to talk about the secondary entrance. Mr. Dailey stated the following: When Mr. Ouimet and I discussed this at the conclusion of the last meeting, I had remarked that we do want to build a second entrance and anything else on this medical campus will be farther back into the area. This is actually the only lot that will front on Route 146 so; we do have the benefit of the State highway there. So, for emergency services as well as just for traffic flow, we will have to build a second entrance for any subsequent activities or projects that will follow along. Mr. Dailey asked the applicant, Mr. Jay Hopeck, if he would say that it is fair that we might actually have an idea for a second facility at this point. So, we're working on that and we're hoping to come back to the Board at another time with the next step in this process. What I had written in my letter to the Chairman was that we are proposing to build it within 4 years of the granting of the C.O. or within a reasonable time as may be deemed by this Board, but we would build it in any event along with the next phase or the next project that would come in. Mr. Ouimet asked are you proposing to build the secondary means of entrance? Mr. Dailey stated yes, essentially the equivalent of the road that is coming in first. Mr. Ouimet asked would it be within 48 months from the date of the issuance of the C.O. for the Crestmoore project? Mr. Dailey stated yes. Mr. Ouimet stated or prior to the time that any other development takes place on this site? Mr. Dailey stated yes. Mr. Ouimet asked so; is it either or? Mr. Dailey stated either or and it would be in conjunction with the next project and that would give us the money to be able to do it. Mr. Ouimet asked so; if the first event were to take place sooner than 48 months, you would build it then? Mr. Dailey stated yes and actually we would have to because you would need that secondary access. Mr. Nadeau asked if it doesn't get built in 4 years, it stays or it just goes on? Mr. Dailey stated the following: If this was just a single lot by itself and there was never anything to happen on the rest of the site and to leave this paver area as your emergency access forever, would probably work. However, we realize that for the overall benefit of the entire 81-acre parcel that you really need to have a second entrance equivalent to the first entrance to serve everything and at that point there is really no reason to keep that and you would do away with it. So, that was the thinking. Mr. Ouimet asked Mr. Dailey if he was prepared to bond this for the 48 months? Mr. Dailey stated we were hoping to avoid a bond. Mr. Ouimet stated I think you would be able to do that. Mrs. Murphy asked what about a letter of credit? Mr. Dailey stated a letter of credit, yes or whatever the esteemed Town Attorney would feel is appropriate, we would be happy to do. Mr. Matt Chauvin stated the following: We discussed this previously and I don't think we would have a concern over a letter of credit as long as it was sufficient. We discussed a \$50,000 number that would be sufficient for the build-out of the road in discussing that with the CHA. I think that the language that we talked about incorporating into any contingency would be that the road would be constructed at the sooner of 4 years or prior to site plan approval for the next phase that you

would seek to build-out within the PDD. Mr. Dailey stated the following: Just to clarify that; prior to site plan approval my thought was that we would build the second entrance in conjunction with and as part of whatever will be the second project. Mr. Higgins stated but if you have the second entrance done, then you can use that as your construction entrance for the other project. Mr. Dailey stated yes, that's true. Mr. Higgins stated the following: I know and I'm agreeing that we're saying two different things, but I'm thinking if the road is built, then that's your construction entrance before you even start building the next phase. Otherwise, you're going to have all your construction vehicles entering the same single entrance. So, basically what Mr. Chauvin was saying; the road has to be built before the site plan approval for the next site. Mr. Chauvin stated the following: I'm articulating what we discussed at the pre-meeting so; certainly it is the Board's pleasure as to how they want to proceed. Mr. Higgins stated but you need a construction entrance anyway so; if you're to that point, then you're going to have to build the entrance. Mr. Ouimet stated well, you could use that existing entrance to be the construction entrance if you were cagey enough. Mr. Higgins stated well, it would be tough depending on how much traffic you have going into the existing site. Mrs. Murphy stated within 4 years from the stamping of the plans or from C.O. Mr. Chauvin stated the following: From a legal perspective, the Town Attorney's office will be comfortable as long as there is a firm timetable that we can tie this to. From our perspective, it's not whether it's prior to site plan or whether it's prior to a building permit. Whatever the Board is most comfortable with as long as there is a definitive triggering event that is the sooner of 4 years or "X" triggering event with a letter of credit is sufficient. Mr. Ouimet stated what we talked about at the pre-meeting was that it was prior to site plan approval. Mr. Chauvin stated correct, whatever that is and whenever that is. Mr. Chauvin stated correct. Mr. Ouimet stated so; if it's 2 years from now, it is 2 years and not 48 months. Mr. Dailey stated the following: Right. The only hesitancy that I have is just a question of the means to do it; the funding/the cash to actually build a road in. You may be right that that may be a benefit to us to put a construction road in and then ultimately turn that into the second entrance and if that works, we'll try to swing that, but once again, it's a question of available means. I can tell you that what we're making on this project doesn't get us out of the financial hole and it gets us close to back to where we were, but we really need the second project to actually get to the point where we make a profit. So, I'll do whatever the Board deems appropriate, but if we don't have to resolve that tonight and if there is some kind of language that the Town Attorney is satisfied with, we do intend to put the road in because we have to. We need to do it, but it's just a question of timing and the means to be able to do it. Mrs. Murphy stated the following: We need to come to a consensus before the approval tonight and my only question is if you're agreeing to 4 years from C.O. or whatever the second triggering event is; whichever is sooner because you don't know that you're going to have a second tenant within 4 years. So, that financial issue will be all the more real. Mr. Dailey stated that's why we're posting some kind of letter of credit and that's the guarantee, but obviously we're more interested in moving forward faster because that gets us our second project underway. Mr. Ouimet stated the following: Right, but I don't want to move faster if we can't resolve issues that are on the table right now. So, I would be against postponing any discussion about when the second triggering event is going to happen. We talked earlier about site plan approval and is anybody interested in changing that thought? Mr. Berkowitz stated the following: I just have a question about the main entrance. Is there a left-hand turn only there because you're going to have a lot of elderly people coming out here and supposedly it is going to be a medical park and it will be busy and Route 146 is getting busier. Mr. Dailey stated the following: In the traffic study that the Town has, it's not necessary for the first project. However, at full build-out, there has to be turn lanes and a traffic signal here either at this entrance or whatever the main entrance is deemed to be, but there will be turn lanes, there will be a traffic signal and we're actually obligated to do some improvement at the

intersection of Route 236 and Route 146 according to the conclusions of the traffic, which was accepted by the Town Board. Mr. Berkowitz stated but that doesn't help anybody coming out of that entrance and taking a left. Mr. Dailey stated the traffic study didn't indicate that taking a left was a difficulty. I know that there is a lot of traffic over there, but a left-hand turn isn't indicated now. Mr. Higgins asked what about 5:00 in the afternoon? Mr. Berkowitz stated the following: I come out of Plant Road every day and I know that there is traffic there and that's a mile down the road. I wasn't here at the last meeting so, that is why I am bringing it up now. Mr. Dailey stated for this building; the actual amount of traffic that's generated from this building is not significant. Mr. Berkowitz stated it's not the amount of traffic coming out of your building; it's the type of traffic. Mr. Higgins stated even during construction with the workers trying to get out at the end of the day who are headed toward the Northway, you would have 10 cars lined up at least. Mr. Berkowitz stated if you're going to be building anyway, how much more pavement is it? Mr. Dailey stated it's not a lot and we can put a left-hand turn lane in and I can see the wisdom of that. Mr. Berkowitz stated you are going to have a lot of elderly people coming out of there and somebody could get killed and a mile down the road there is the same situation at Stewart's on Plant Road with people trying to take a left-hand turn out of there. Mr. Dailey stated the following: We agree to do that and actually I think it is a good idea. So, we are willing to put a left-hand turn lane in and if you want to add that as a condition, we're happy to comply. We'll do a little bit of redesign and if Mr. Bianchino will work with us, we'll get that taken care of. Mr. Berkowitz stated okay, I appreciate that. Mr. Bianchino stated the following: Is there enough room in the new roadway cross-section at the intersection to allow us a left turn lane out? I believe when we looked it originally we were assuming 3 lanes minimum in that section so, yes there should be. Mr. Chauvin stated the following: Mr. Bianchino makes a good point; the process of designing and reviewing that road construction would be best attached to that second phase site plan review by this Board and the suggestion from the Town engineer is that it may make sense to review that design at that time and make it a contingency of site plan approval at that time. So, you could be reviewing that all at once and then construction would be required to be the first part of that build-out post-site plan approval. So, it would be contingent upon site plan approval for Phase II would be the design of the road meets with the Town engineer. Mrs. Murphy stated the following: He is saying that it will help lay out the contours of the road if they know where they are going and what they are going to put there. So, it makes sense to do them as part of that review process. Mr. Bianchino stated the following: The design of the second access roadway would be done as part of the design of whatever that next project is. So, it would be approved all at the same time. So, I think realistically to have it constructed prior to site plan approval for that second site it would all be part of the same plan package. Mrs. Murphy stated it would have to be prior to obtaining a building permit. Right, it would be the first thing that gets built as part of that second site plan approval, would be the access road. Mr. Dailey stated that would be entirely agreeable and that's fair. Mr. Quimet stated so what we have for a site plan approval for Crestmoore is it incorporates a left-hand turn lane and a commitment on the part of the applicant to build a second means of ingress or egress within 48 months or in the alternative prior to site plan approval of Phase II. Mr. Chauvin stated the following: No. As part of the site plan approval prior to a building permit for the site and I would ask that the Board consider adding the requirement of a letter of credit sufficient to cover the cost of building that road and the letter of credit must be for minimum of 5-years and \$50,000. Mrs. Murphy stated also, contingent upon compliance with the issues raised in CHA's comment letter dated January 10, 2014.

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



Mr. Nadeau made a motion to approve the commercial site plan for the Crestmoore at Halfmoon with the following conditions: (1) The proposed second ingress/egress from Rt. 146, labeled as "Future Access Drive" on the Site Plan dated 9/4/2013, last revised 1/3/2014, shall be constructed within forty-eight (48) months from issuance of the Certificate of Occupancy (C.O.) for the Crestmoore facility (Phase I) or prior to issuance of a building permit for the next project within the Planned Development District (Phase II), whichever occurs first; (2) A Letter of Credit for the construction of the second ingress/egress, pursuant to Town procedures, and at a minimum of \$50,000 and five (5) years; (3) A left hand turn lane on to Rt. 146 shall be added to the revised Final Site Plan prior to stamping and signature by the Planning Board Chair; and (4) All issues raised in the January 10, 2014 comment letter by CHA shall be addressed. Mr. Berkowitz seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to adjourn the January 13, 2014 Planning Board Meeting at 10:50pm. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary