

Town of Halfmoon Planning Board

Meeting Minutes – May 29, 2012

Those present at the May 29, 2012 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the May 29, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the May 14, 2012 Planning Board Minutes. Mr. Berkowitz made a motion to approve the May 14, 2012 Planning Board Minutes. Mr. Roberts seconded. Motion carried. Mr. Ruchlicki abstained due to his absence from the May 14, 2012 Planning Board meeting.

Public Hearings:

11.123 PH 6 Liebich Lane, Liebich Lane – Major Subdivision

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gavin Vuillaume, of the Environmental Design Partnership (EDP), stated the following: I am representing the applicant, 1 Liebich Lane Associates. This application is for a subdivision of a 102-acre parcel of land that is located within the Rolling Hills Planned Development District (PDD). We last presented the site plan and the subdivision for this project at May 14, 2012 Planning Board meeting in which we received comments from the Board and from CHA. We have addressed most of the comments that were related to the site plan but for now we are now focusing on the subdivision portion of it. The acreage that we're subdividing is approximately 7.5-acres and it is located directly in the center of the Rolling Hills PDD. This parcel is located on Liebich Lane, which was recently paved late last year. The parcel would have approximately 800 FT of frontage on Liebich Lane that would provide access to the site. Once the site is developed, there would be generous amounts of greenspace around the proposed facility that would be used for screening, buffering and landscaping as well as stormwater management. We're to here tonight to request an approval of just the subdivision for now. Mr. Watts asked if anyone from the public wished to speak. Mr. Michael Stiles, of 1909 Route 9, stated the following: I own the land just west of this project and mud has been

accumulating over the years since 2000-2001 and it has not subsided any. As you know, we have had a lot of rain in the last year and we're getting all of their mud into my drinking pond and into my recreation pond. Mr. Dick Lee and Mr. Cal Thayer have both looked at it about 7 or 8 years ago and nothing has been done. I want to go on record to say that this being under excavation now and the dirt is being exposed because the grass is getting killed. Now there is going to be more mud like there was tonight because I was in the back and I saw the mud coming down. As you know, the New York State Department of Environmental Conservation (NYSDEC) has dumped this more or less onto you guys and they backed off and they are only doing the gravel banks. A representative from the NYSDEC, who checks my gravel bank, stated that to me last week when we met. So, I'm here to say; even if they get this under vegetation, it's still going to take a while before the grass grows and all of the other area is still disturbed without grass and the pond near me that holds back the water is not doing the job and hasn't done the job since they started. I really don't care what they do up here, but I want it to stay up there. They are interfering with my quality of life and I just want you to do something about it. My question is; what are you going to do about it? Mr. Vuillaume stated the following: Again, with this parcel that we are talking about this evening, all the stormwater is being held on-site. Mr. Stiles stated all I saw is that it is not working and you should come and take a look at it and see all the mud in the ponds and see what we are dealing with. Mr. Vuillaume stated okay. Mr. Stiles stated the following: One of the retention basins at RGH near Sysco blew out a few weeks ago and they came down to try to get some stone from me to repair it but the mud just comes right on through. No matter what they do, they are still going to give me a lot of ground water because you are adding more blacktop and roof drains. So, you have to make a bigger retention basin than what they have. With the last bunch of homes that they built up on the hill, the water all comes down to me and washes me out. It comes through there everyday and I don't like it and I want it taken care of. Mr. Vuillaume stated the following: Again, getting back to the site plan itself; we are concentrating on this area because that is really what is in front of us this evening. I believe some of the problems that Mr. Stiles' is referring to was probably the problems with the drainage either when the road was being constructed or as the area was being mined over the years. As you know, there was an active mine and I believe there still is an active mining permit for Valente to do grading on the site. So, any questions that you have with regards to the mining activities out there would have to be brought to the State. Mr. Stiles stated no, the State dumped this onto the Town. Mr. Vuillaume stated I don't know if that is true. Mr. Stiles stated what you're doing is not going to help the situation and I want you to come over and take a look. Mr. Vuillaume stated regarding the RGH activities; I know they haven't had any problems recently except for one manhole that needed to be adjusted. Mr. Watts closed the Public Hearing at 7:08 pm. Mr. Higgins asked is it still an active mining site? Mr. Vuillaume stated yes, I believe it is. Mr. Higgins asked you believe it is or it is? Mr. Vuillaume stated I'm not sure but I'm pretty sure it still has a permit with the NYSDEC. Mr. Higgins stated as part of the remediation plan that they have to present when they do their mining, it has to be a certain 3 on 1 or 4 on 1 slope on all of the hills once they finished the mining, correct? Mr. Bianchino stated the following: Yes, once they finish the mining it has to be stabilized slope and it has to be vegetated. As part of the reclamation plan of the mine, this is actually part of the reclamation plan to the mine and it's starting to develop that area that they have completed. Mr. Watts stated so; the development of the property was part of the reclamation plan that was approved by the NYSDEC? Mr. Bianchino stated no, I believe there was an original reclamation plan. Mr. Watts asked which would say; restore it to its original vegetative state or something? Mr. Bianchino stated the following: Right and subsequent to their original mining permit, they came in for the PDD application. At that point in time, when the review of that application went through the Town, the NYSDEC was listed as an involved agency. I don't know whether there was

a formal approval by the NYSDEC for the PDD but they aware that the development of these areas would include reclamation vegetation, etc. and that is an acceptable reclamation for those disturbed areas. Mr. Higgins stated so we don't have jurisdiction if it is an active mining site. Mrs. Murphy stated that is correct. Mr. Watts stated again, what we are here for right now is the major subdivision and what we are here to do at this moment is merely the subdivision, is that correct? Mrs. Murphy stated yes and the next item before the Board is the site plan but right now the public hearing has to do with the subdivision itself. Mr. Watts stated the following: So, the action on this item is to subdivide this parcel away from the original 102-acres. That is all we are doing and we are not doing anything else.

Mr. Ouimet made a motion to approve the major subdivision application for 6 Liebich Lane. Mr. Berkowitz seconded. Motion carried.

11.122 OB 6 Liebich Lane, Liebich Lane – Commercial Site Plan/GEIS

Mr. Gavin Vuillaume, of the Environmental Design Partnership (EDP), stated the following: Again, for the site plan; as we presented it at the last Planning Board meeting, the proposed project is to construct a 60,000 SF one-story office building. There will be 38% greenspace left over on the site once it is developed. There would be one single access off of Liebich Lane located at one corner of the property and there would also be a future private drive just to the south of that that would be providing access to the rear of the building for servicing vehicles. There would be a total of 121 parking spaces proposed, which meets the zoning ordinance. However, we would like to landbank approximately 34 of those parking spaces until future tenants are defined and we know whether or not we are going to need all the parking. So, at this time we would like to install 150 parking spaces and landbank 34. The project has public sewer and water that is available off of Liebich Lane and there is plenty of room for on-site stormwater management. Mr. Ouimet asked are you going to build this as a spec building or do you have a tenant that is already lined up? Mr. Vuillaume stated right now it is spec building. Mr. Ouimet stated given that it is a spec building and having heard what you heard earlier at the public hearing; do you want to take some time to reflect on the comments that have been raised tonight and tweak your plan or make modifications or changes? Mr. Vuillaume stated the following: We believe that we provided plenty of room for stormwater management with this site and as a matter of fact it is probably over designed. We have a very large stormwater management area just to the rear of parcel that would take any overflow from the parcel itself and even beyond that there is another pond. Also, there is 2 other ponds that can accept stormwater management that are not even on this property as a safety valve if there is ever any kind of problem or issue with the stormwater design. Mr. Berkowitz asked are you allowed to have off-site stormwater management? Mr. Vuillaume state well no, we are providing on-site stormwater management and this is just for an emergency overflow or a 100-year storm and that would be the only time the water would go there. Mr. Berkowitz asked can you over-engineer the water? Mr. Vuillaume stated the following: Yes, which I think we have done. We've designed it for a 100-year storm and everything on-site would hold the stormwater for a 100-year storm. If we get a huge 100-year storm, it would then go out to the overflow structure and out to another basin in the rear. It is an existing pond and it's not a basin. Mr. Berkowitz asked how many inches of rain are there in a 100-year storm now? Mr. Vuillaume stated I think it is 4.5 inches. Mr. Roberts asked are you saying that your design is going to alleviate Mr. Stiles' problems? Mr. Vuillaume stated the following: All of Mr. Stiles' problems are coming from other sections of the site besides this one parcel. Probably the very center of the entire mined area, and it is self-contained, because right now all of the drainage from this parcel goes to the rear towards that existing pond. So, none of the drainage from this site is even going in that direction. Mr.

Higgins stated the following: You keep referring to the existing pond in the rear; what's in the back because I drive that almost every day? Is it a pond that has developed due to the mining in that area? Mr. Vuillaume stated yes. Mr. Higgins stated the following: That is not on this site so we can't even consider that as part of this site plan. Where are the stormwater retention basins because the map that Mr. Ruchlicki and I have does not show any stormwater anywhere? Mr. Vuillaume stated I'm not sure which map you have but there is a very large swale in the front portion of the site, which holds all the water from the parking lot. All the drainage from the rear of the building and the service area goes into 2 other large retention areas; one on the north side of the property and then another stormwater management area on the south side. So, we have 3 very large stormwater management areas. Mr. Higgins stated well, they are not shown on the drawing I have and asked where do those 3 areas then in turn drain into? Mr. Vuillaume stated ultimately if they ever did fill up, they would discharge to that existing pond that I spoke about. Mr. Berkowitz asked what happens when that parcel is developed where the pond is located? Mr. Vuillaume stated the following: A grading plan would be is done for this one. The plan shows a future building that could go in one area and once that is done and another building goes in another area, that pond is still going to remain there until they do something way in the back. That is probably one of the last areas that they would develop. I'm not positive that is how it will occur but at least for now the intention is to develop along side the existing road first and then get to these back areas. In the event that they want to do some future development in the back, this pond may stay and it may not. It may have to be re-graded and they could use something else different in that area. Again, we have another existing storm pond, which captures all the drainage for the whole back section of the development. Mr. Berkowitz asked where is Mr. Stiles' property in relation to this? Mr. Vuillaume stated I believe Mr. Stiles' property is located at the southwest section of the property. Mr. Nadeau stated the following: This project with the drainage that Mr. Stiles brought up has been an issue with this project from day one. I believe when we made the recommendation to the Town Board, Mr. Valente had stated any issues that were with Mr. Stiles property would be taken care of. Obviously, that hasn't happened. At some point somebody needs to look into it and find out what is the issue. It has become a he said/she said type of thing and Mr. Stiles is not getting any results on this. I don't know whose responsibility it is but I think we need to find out. Mr. Watts stated the following: I have seen Mr. Bianchino's write-up where he has asked for the applicant to keep a comprehensive evaluation of their stormwater controls as the park continues to develop. Have you been involved in the past with the engineers with the issues relative to this particular pond and other issues there? Mr. Bianchino stated the following: Yes, every comment letter that we have done regarding this site, we have indicated that there is a need to take a comprehensive look as each lot is developed so that when the last lot is finished there is a concrete understanding that the stormwater controls are in place and are designed to do their job. The Board will recall that Mr. Stiles has brought this issue in front of them in the past. We have met with Mr. Dean Marrotta and EDP representatives about the need for an overall look at the stormwater controls in this area. We do need to keep our eye on this issue as the site develops. Mr. Berkowitz asked does Lot 6 affect Mr. Stiles property? Mr. Vuillaume stated Lot 6 is separated by a piece of higher ground between Lot 6 and Mr. Stiles property. Mr. Higgins stated there is a swale that goes down through. Mr. Vuillaume stated yes, there is a swale that is further down. Mr. Berkowitz stated it looks like it's about an 18 FT swale and asked how can it be draining? Mr. Vuillaume stated none of the drainage from here goes to that swale. Mr. Higgins stated but some of the drainage from the road, from the other new building and everything else all goes that way. Mr. Vuillaume stated yes it does. Mr. Higgins stated you are showing from Liebich Lane back several hundred feet to the back of the back paved area where the loading docks are going to be, is that correct? Mr. Vuillaume stated yes and there is some grading going to be done there. Mr.

Higgins stated the following: I know the whole area was just filled a couple of weeks ago and I mentioned to you before that you are going to have to do some serious compaction in order to get the parking area in the back to be able to handle the weight of those trucks. Where is the existing pond you refer to in the back? I believe it is right in middle where you are putting the parking lot. Mr. Vuillaume stated no, the parameter of the pond barely gets onto the property. Mr. Vuillaume showed the Board where the existing pond was located on the map. Mr. Higgins asked about the heavy/light lines on the subdivision. Mr. Vuillaume stated that is the disturbance area. Mr. Roberts stated the following: Mr. Bianchino has stated that everyone knows there is drainage concern here and it's being watched. Could Mr. Bianchino give us an estimation about when it will be taken care of? There is one thing to know that it exists but what are we doing about it? Mr. Bianchino stated my ultimate answer to that question is when everything is developed and stabilized. Mrs. Murphy stated the following: Part of this property is still under a Life of Mine permit, which takes away all jurisdiction from us. While they have to meet changes in the legislation so that stormwater and runoff has to be looked at in a site that has to been developed that we have jurisdiction over like this is one thing, but the rest of the active mine, we don't. So we can't stop it. I don't want to say that this would improve the situation because it won't. This is in a bowl and it really can't get to Mr. Stiles because there is a rise in between Mr. Stiles property and that. That's not to say that Mr. Stiles isn't having issues because he very well may be from the part that is being mined that we don't have jurisdiction over. As it gets developed, then it will be easier for us to control because then we will have jurisdiction over it because we'll no longer have our hands tied by the Life of Mine permit. Mr. Roberts stated and at that point then we can make sure that it gets rectified. Mrs. Murphy stated Mr. Bianchino has put it in every recommendation that I've ever seen with regards to this property. Mr. Roberts stated I'm just concerned that we go along and go along and this whole piece of property gets developed and they walk away and Mr. Stiles still has that problem out there and that's not right. Mr. Watts stated the following: If in fact there is a problem there and I know Mr. Bianchino has been there looking at the situation and as Mr. Stiles has said that it goes back a long time with Mr. Dick Lee and whoever. Has the Division of Mining of the NYSDEC ever been out there to look at this and say that this runoff is coming from the mine and perhaps having an issue with the pond? Has that ever been raised? Mr. Stiles stated they have been there and every time and nothing ever gets done. Mr. Watts asked who has been there? Mr. Stiles stated the following: I've had the NYSDEC visit. Everybody from the development has walked away from it and they laugh at me. Those manholes in this parking lot are going to overflow and come down into the ponds that are creating all the problems. All that mud and water winds up down there where that last pond is and if you come up there tomorrow you will see that all that mud is in there tonight. It runs right on through because it's not big enough. They're trying to make Round Lake hold back the Atlantic Ocean and they can't do it. It's just too much water coming down and it keeps bringing all the mud right along with it. That's what is going to happen after they do what they do. Like I've said, the housing development up there comes down into a catch basin and then that comes down in and goes across the road. RGH's comes down and part of Sysco's comes down and everything comes onto my property. I would like to you come up and look at the mud and water. The NYSDEC has been there and I had Assemblyman Reilly's right hand man a couple of years ago and everybody just laughs at me and they are scared to death of Roddy Valente. They must have a lot of money and he's got a lot of friends in his pocket and nothing gets done and it's not fair to me. In two years I'll be in business 50 years and I have a recreation pond and there is no need to clean that out now but I want it cleaned out and I want it like the pictures I have shown you and if it isn't, there is going to be hell to pay. The pictures show all the mud and everything that comes down and I have taken pictures of it. I have corresponded with everybody and all I do is get laughed at and I'm going to have to take action. This has been

happening since 2000 and I don't like. Mr. Watts stated you have heard the Planning Board's and our engineer talking about the concerns that we have relative to the particular site. Mr. Stiles stated the following: How you give them a permit to do something when Valente, who is selling it and making the money, hasn't done his part of job to hold back the mud and the water? He came down to dig the pond out about 8 years ago and he brought a short-stick backhoe and he couldn't reach the center and he was starting to undermine the bank. I sent the kid home and Mr. Valente got angry and he didn't come back and he didn't want to do it because he knew what I wanted done. Mr. Watts stated correct me if I'm wrong, but we have the NYSDEC involved here. Mr. Stiles stated now it's in your hands. Mr. Watts stated I don't know that. Mr. Stiles stated Jeremy told me that. Mr. Watts asked who is Jeremy? Mr. Stiles stated he works for the State and he's my gravel bank inspector and I said I'm not going to let you off the hook because you're in it until it's over. Mr. Watts asked let who off the hook? Mr. Stiles stated the State guy, Jeremy. Mrs. Murphy stated the following: I think the discussion that probably was held and I wasn't there and correct me if I'm wrong, but the Town now has jurisdiction over stormwater runoff and erosion control, which they did not have before but the Life of Mine permit supercedes that. We can't even get to looking at that when they're still operating over the Life of Mine. This though is not in the Life of Mine. Mr. Stiles stated I just want it taken care of before anything goes any further. Mr. Watts stated tomorrow would probably be a good day to go take a look at this issue. Mr. Bianchino stated I can have somebody from CHA there tomorrow to look at it. Mr. Watts asked Mr. Williams to contact someone from the NYSDEC to get their input on this and what they have relative to recent meetings. Mr. Watts stated at this point we are going to do our research and we will be tabling this item because not only Mr. Stiles is uncomfortable but the Planning Board is also uncomfortable with the information that was brought up.

This item was tabled to review stormwater issues in the Rolling Hills PDD involving a neighboring property's pond.

12.038 PH Gary Connors Subdivision, 294 Grooms Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:30 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Dave Flanders, of David A. Flanders Surveying & Site Consultant, PLLC, stated the following: I'm here tonight with the applicant, Mr. Gary Connors. Mr. Connors is the owner of a 4-acre parcel on the south side of Grooms Road. Mr. Connors is proposing to subdivide the 4-acre parcel into 3 lots. All 3 lots would be served by public water and public sewer. There is an existing sanitary sewer easement in line running through the middle of the property, which currently services Mr. Connors house on Lot C. Lot C consists of about 109,700 SF. The other 2 proposed lots; Lot A is the smallest lot, which fronts directly on Grooms Road and consist of 28,000 SF and Lot B, the lot behind Lot A consists of 36,000 SF. The existing zoning for this parcel is Professional Office-Residential (PO-R). The minimum lot size for a single-family residence is 25,000 SF. Therefore, all 3 lots meet the existing zoning classifications. Lot B also meetings the requirements for a duplex, however, Mr. Connors prefers to sell the property to somebody who wants to built a single-family residence. We're proposing a couple of ingress/egress utility easements over the strips of land that provide access to the rear lots. One easement shown on the map is in a triangular shape is also going to be granted to the adjoining owner, Mr. Burdick, because his driveway T's into Mr. Connors driveway. The 20 FT wide strip of land that's a portion of the rear lot, Lot B in the back, the entire 20 FT wide piece would be ingress/egress and utility easement to provide access to the Saratoga County Sewer District sewer line in the easement in the back and also to provide access over those portions of the existing driveway that is there. The intent is to also repave the rear portion of the driveway to meet the standards for a fire truck.

Where the grade breaks, the driveway will be repaired with suitable sub base gravel. Mr. Watts asked if anyone from the public wished to speak. Mr. Rick Brady, of 298 Grooms Road, stated the following: I own land next to Mr. Connors property. My road frontage is 58.6 FT wide and several years ago I came to the Planning Board and you told me I couldn't get a subdivision approval because my road was not wide enough to handle a fire trucks and heavy machinery. I'm wondering how Mr. Connor is getting away with 40 FT of road frontage coming down through the property. Mr. Flanders stated the rear lot has a 20 FT wide strip and the other lot has a 40 FT wide strip. Mr. Brady stated so you only have 40 FT road frontage. Mr. Williams asked Mr. Brady if he had subdivided lots out before? Mr. Brady stated the following: Right, when I first bought the land, I wanted to subdivide it into 3 lots and they told me to get it surveyed. I got it surveyed and I came back to the Board several times and I got denied. Mr. Higgins asked were you looking to get a Town road on your property? Mr. Brady stated the following: No. I was going to make a turnaround and they denied me. Mr. Williams asked did you create a flaglot, which requires a minimum frontage of 20 FT? Mr. Brady stated maybe my surveyor did not do it at that time but the Board denied me because I have 58.6 FT of road frontage and they told me I had to 60 FT. Mr. Williams stated 60 FT is required to build a Town road. Mr. Brady stated so in other words, I can make an easement and then I could get away with building another house in the back of my property? Mr. Nadeau stated you could have what they call a flaglot, which allows you a 20 FT access. Mrs. Murphy stated the following: I'm going to caution the Board, without seeing your property, knowing what your dimensions are and knowing if there is any kind of environmental limitations on your property from trying to give you ideas on how to develop your property. But, I would strongly encourage Mr. Brady to come in and see Mr. Williams. Some of regulations have changed with regards to having the ability for flaglots and the length of driveways that can be constructed. Mr. Brady stated I did not know that. Mrs. Murphy stated the following: It may be the simple thing. Which year did that happen, was it more than 10-years ago. Mr. Brady stated yes. Mrs. Murphy stated the following: So things have changed, so I would encourage you to come back to the Planning Department and talk to them. But, with regards to this particular subdivision, despite the fact of the perception of fairness, do you have a concern about that subdivision. Mr. Brady stated my only concern is if he has a 40 FT right-of-way on Grooms Road and he can get by with his driveway, I want the same consideration where I have 58.6 FT of frontage. I have a 350 FT driveway and it's at least 22 FT wide and it goes all the way back to the backside. Mrs. Murphy stated the following: I think you may hear some concerns from this Board with regards to the sufficiency of that road being able to support fire trucks. I think you were commenting on that but we couldn't hear you. So, your concerns aside, I encourage you to see Mr. Williams because regulations have changed since you were previously here. Mr. Watts closed the Public Hearing at 7:45 pm. Mr. Higgins asked I assume Mr. Connors existing home is going to stay on a well and septic because it doesn't show a sewer or water connection. Mr. Flanders stated Mr. Connors house is hooked up to both. Mr. Higgins stated okay, could you please make a note on that because otherwise we would need to know where the well and the septic is located. Mr. Flanders stated the clean out for the septic is shown on the map, it is just underneath the back deck there. Mr. Higgins stated the following: Okay. You mentioned that the driveway was going to improved at the back half and my personal inclination is if the driveway is going to be suitable for handling a fire truck, it needs to be suitable for handling a fire truck for the entire length of the driveway, not just the back half. Mr. Flanders stated the following: I received a letter from Mr. Boudreau, Assistant Chief from the Halfmoon-Waterford First District. I had a conversation with him after the receipt of the letter and Mr. Boudreau is happy with the driveway back to about where it breaks and he said the condition of that driveway was fine with him. But, he was concerned with the lower half of the driveway that wouldn't handle a 60,000-pound fire truck. I

agreed with him and I said that we plan on re-doing the driveway and putting a good substantial base under it and repaving that upon the sale of one of the two lots. We have to generate some funds from the sale of one of the lots to do that. Mr. Higgins asked did you say there was a letter generated to that affect from the fire department? Mr. Watts stated the following: There was a letter from the fire department questioning what was going on with the road. Subsequent to that letter, Mr. Flanders then spoke to the fire chief, is that correct? Mr. Flanders stated that is correct. Mr. Watts asked so you were relaying what was said in the conversation with the fire chief. Mr. Flanders stated that is correct. Mr. Watts stated the following: So, that's the sequence. I would say that somebody could contact the fire chief and since there is an outstanding letter with a concern in the there that you or Mr. Flanders follow up and reiterate those concerns and solutions because we have a document that says there is a problem. Mr. Flanders stated the following: Okay. I suggested to Mr. Boudreau that we could even add a notation on the map that the driveway would be repaved and suitable to support a 60,000-pound fire truck. Mr. Watts asked Mrs. Murphy if that would be enough? Mrs. Murphy stated the following: The only question that I have is that part of the driveway is okay to sustain the weight is fine. We would need a time period on when that would have to be constructed. So, that would be prior to the issuance of a Certificate of Occupancy (C.O.) for which properties. Mr. Flanders stated the following: It would probably have to be the rear lot because the fire commissioners are happy with driveway for Lot A and it said so in his letter. I spoke with him and said that would be perfectly fine. He said once we got past Lot A, that's where the driveway is in poor shape and it's obvious that it needs to be redone. So, I suggested that to him and he didn't say he wanted the notation on the map but he said as long as the driveway is reconstructed suitable to support the fire truck that he was happy. Mrs. Murphy asked past Lot A or the entire driveway? Mr. Flanders stated the back portion of it past Lot A. Mrs. Murphy stated so we would want to confirm that with the fire department that that is suitable and then put a note on the map that prior to the issuance of a C.O. for any of the other lots. Mr. Flanders stated the following: That should be for Lot B because we're not going to be able to get the buyer of Lot A to pave the driveway for Lot B. So, it should be for Lot B. Mr. Watts stated okay. Mr. Ouimet stated at the last presentation for this proposal I raised the issue about the driveway being able to sustain the weight of a fire truck. Mr. Flanders stated correct. Mr. Ouimet stated I would also suggest that maybe you can show me how a delivery truck now gets into the property, makes the delivery, turns around and exits onto Grooms Road without backing out onto Grooms Road. Mr. Flanders stated the following: Right now there is a gravel portion of the driveway. So, the truck would come in the gravel portion and goes around and there is like a back around that's paved there also. On the map it says "dirt and gravel". Once Lot B is sold and the house is built, they are going to build a driveway and Mr. Connors has plans to build a garage along side of his house and construct a driveway there. Mr. Ouimet asked would that facilitate the turning of the vehicles? Mr. Flanders stated I would imagine it would but it would depend on the length of the vehicle. Mr. Ouimet asked would those new driveway constructions be of a sufficient engineering capacity to withstand the weight of a fire truck? Mr. Flanders stated the following: I think they are going to have to be a portion of the way. I don't see that anybody's house here probably has a driveway suitable to do that. I know mine wouldn't. But certainly the entire length of the driveway and a portion going into the houses should be suitable for that, yes. But, I don't think it is quite fair to have them pave it right up to their garage door for a fire truck unless that is what you're asking and I don't see anyone else has that requirement. Mr. Ouimet stated all I'm asking is that there be an ability to turnaround so you can face out onto Grooms Road as oppose to having to back out onto Grooms Road. Mr. Connors stated there is already one there. Mr. Ouimet stated yes, but once that lot is sold, it's not going to be there. Mr. Connors stated no, we are keeping that. Mr. Flanders stated that's probably pretty much in the vicinity of where ones

going to be though. Mr. Ouimet asked right now is that driveway sufficient to hold a trash collection vehicle? Mr. Connors stated I don't have the answer if a trash collection vehicle would hold but it does hold UPS trucks that come in there and I have had appliance delivered. Mr. Ouimet asked has that been fine? Mr. Connors stated yes. Mr. Higgins stated I think the point that Mr. Ouimet is trying to make is that you don't have control over the other 2 houses once they are built and if they want to have the garbage collection come in and pick it up because the garbage truck has to have a place to maneuver and turnaround because we don't want them backing out onto Grooms Road. Mr. Connors stated I have had truck deliveries to my home and the trucks would come in, back up and back up on that permanent easement and then head out towards Grooms Road. Mr. Higgins stated the following: I think the point is that we just need to make sure. It may be shown on the map but maybe you could put a note on the map that there would be sufficient room for a garbage collection truck or a delivery truck to make a turnaround so they are not backing up onto Grooms Road. Mr. Watts stated what is the length of that road? Mr. Flanders stated it is a little over 300 FT. Mr. Watts stated the people might be taking their garbage out to Grooms Road. Mr. Ouimet stated the following: I don't really have a problem with a single house on a keyhole lot, but when you start putting 2 new homes on there, now it's 3 sharing one driveway. I think it is incumbent on us to make sure that that driveway is constructed in such a way that can service those 3 lots. Mr. Higgins stated and avoid backing out onto Grooms Road. Mr. Watts stated I don't want anybody backing out onto Grooms Road but relative to the garbage pick-up, I can't imagine one of the garbage companies backing a truck up onto Grooms Road. Mr. Ouimet stated the following: The way it is configured now appears to work for you, but you don't have 2 neighbors. When you have 2 neighbors, you may not be able to control 2 neighbors and you may choose not extend the driveway past your house, then what? Mr. Flanders stated it's there now. Mr. Ouimet stated the following: It's there now but that doesn't mean that it has to stay there. Once you don't control the whole parcel and you only control one-third of it, so to speak because once the subdivision goes through. Mr. Flanders stated the following: Mr. Connors plans are when one of the lots is sold; he's going to have it put into the contract that the buyer of this lot shares the cost of rebuilding this driveway to meet the standards for a fire truck. That's what he intends to put into the contract. Mr. Higgins stated and with provisions for a truck to be able to turn around so they don't back onto Grooms Road, that's all.

Mr. Berkowitz made a motion to approve the minor subdivision application for the Gary Connors Subdivision contingent on driveway improvements occur prior to a Certificate of Occupancy (C.O.) given to Lot B. The improvements are to allow adequate access to emergency vehicles. The applicant will also make improvements to allow garbage and delivery trucks to turn around. Mr. Ruchlicki seconded. Motion carried.

12.041 PH Key Valley, LLC Subdivision, Smith Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:57 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyors, PLLC, stated the following: I'm here tonight representing Key Valley, LLC for a proposed 4-lot subdivision. The proposed subdivision is located on the easterly side of Smith Road and about 1,500 FT north of Vosburgh Road. The applicant would like to subdivide a 7-acre parcel into 4 lots. The lots would be serviced by public water, which runs up the west side of the road and each lot would have their own individual septic systems. Lot #1 and Lot #2 would have a common drive that services both lots. Lot #3 and Lot #4 would have a common drive, which is an existing drive for the buildings in the rear. The wetlands on the site have been verified by the Army Corp of Engineers (ACOE). The sight distances for both driveways are adequate and meet the American

Association of State Highway and Transportation Officials (AASHTO). Also, by request of the Planning Board, a stormwater plan has been prepared for these lots and I believe CHA is in the process of reviewing that. Mr. Watts asked if anyone from the public wished to speak. Ms. Amanda House, of 20 Smith Road, stated the following: We have the lowest point property and we already have drainage problems. Is there any plan to improve drainage in the area? I'm concerned because there is going to be septic systems for these homes and with all the homes being higher up than me, that is going to be running into my front yard. Mr. Rabideau stated the following: The way the plan is setup, we have a stormwater plan and all drainage would flow to the back. Also for the septic because the septic systems are located in the back and they are lower than the road. Everything would be draining in one direction so nothing would go west to your parcel. Ms. House asked are all 4 lots going to have single-family homes? Mr. Rabideau stated yes, they are planned as single-family homes. Ms. House asked is there any kind of alternate plan? Mr. Rabideau stated the only thing is that Lot #1 and Lot #4 potentially could be a duplex but the mix wouldn't work there. Ms. House stated okay. Mrs. Joan Taglione, of 24 Smith Road, stated the following: I've lived on Smith Road my whole life. Two of the lots are would be directly in front of my house and asked where are you putting these homes? Mr. Rabideau stated as you are looking at the driveway, there would be a house on the right and on the left and then there would be 2 more. Mrs. Taglione asked how far back would they be going? Mr. Rabideau stated they are going to have to be about 75 FT back from the center of road. Mr. Watts closed the Public Hearing at 8:02 pm. Mr. Nadeau stated the following: On Lot #1 what is the reasoning for keeping such a large area in the back? Would there be any future development with that area? Is the area buildable or not buildable? Mr. Rabideau stated I believe that potentially there is a building area in the back and the only reason is just because of the configuration of the lot, it had to go some place. Mr. Nadeau stated I think by putting the house where you have it located could hinder whatever you're going to do in that remaining lot. Mr. Rabideau stated that is correct. Mr. Nadeau stated you might get a flaglot out of it. Mr. Rabideau stated the following: Right. That's just the configuration and that's the best we could come up with and we didn't like it either. Mr. Nadeau stated okay. Mr. Higgins stated the following: Did I hear you say that Lot #1 and Lot #4 were planned as single-family homes? The way you phrased it, it was like the owner is planning on single-family homes but he's not committing? Mr. Rabideau stated that is correct, it's just because of the size limitations and we could put duplexes there. Mr. Higgins stated the following: I just wanted to make sure that it was very clear for the record that Lot #1 and Lot #4 could be duplex lots because of the size of the lots. How long are those driveways back to the houses? They are relative short, maybe 50 to 70 FT, correct? Mr. Rabideau stated yes because the buildings are set to be about 2 FT behind the building line because of the grading issues. Mr. Nadeau stated on Lot #4 where it says "asphalt driveway" and it goes to that stone driveway, what is that doing to the access to the Ballard lot? Mr. Rabideau stated that is the access now to his construction business in the back. Mr. Nadeau asked so how will he get to lot after the subdivision? Mr. Rabideau stated the following: It depends, if he wants to keep it and have an ingress/egress easement prior to sale or because the other rear parcel has frontage on Smith Road but he has an issue with grading at this point in time. So that needs to be taken care of before he can move the drive. Mr. Nadeau stated I thought at the last meeting it was stated that these were two different Ballard's, is that correct? Mr. Rabideau stated yes, it is Robert and Thomas Ballard who own the piece in the back. Mr. Nadeau asked but right now he has access through Lot #4? Mr. Rabideau stated that's correct. Mr. Nadeau asked so we're going to cut off his access? Mr. Rabideau stated no, he still has the access now and he has to be able to take care of that prior to sale of Lot #4 with an easement; a physical access. Mrs. Murphy stated I think the question is if you have two people who own the building and one person who owns the parcel; what is the person who doesn't own the parcel going

to do for access? Mr. Rabideau stated he has access now. Mrs. Murphy stated the following: Correct, but he doesn't own the parcel. So he's not in control of the conditions of the sale. Mr. Rabideau stated Thomas and Robert both own the parcel in the back. Mrs. Murphy asked Thomas and Robert together own the parcel? Mr. Rabideau stated the parcel in the back where the buildings are and not the parcel that is being subdivided. Mr. Higgins stated but there is no existing easement? Mr. Rabideau stated no, if anything it's a prescriptive easement. Mr. Berkowitz stated the following: Is there another access to the Ballard property that is not being subdivided? Is it that asphalt or stoned driveway and it's just not on the map? Mr. Rabideau stated that's correct and there is 200 FT of road frontage on Smith Road. Mrs. Murphy stated but the grading doesn't permit access via that? Mr. Rabideau stated right now. Mrs. Murphy stated the following: The point I think that Mr. Nadeau is making is that "A" and "B" own the properties and it doesn't matter who "A" is or who "B" is. "A" owns the land that's being sold. Mr. Rabideau stated correct. Mrs. Murphy stated so "A" is in control of what the easement says. Mr. Rabideau stated correct. Mrs. Murphy asked what does "B" do to get to his building if "A" says "too bad"? Mr. Rabideau stated he has 200 FT of road frontage to make it work. Mr. Higgins stated so he has to build a road. Mr. Rabideau stated yes, correct and basically it's where it is out of convenience. Mr. Watts asked do we know if both of these people are okay with what we're preparing to vote on here? Mr. Rabideau stated I believe they are, yes. Mr. Watts stated you believe they are? Mr. Rabideau stated yes, they're brothers. Mr. Higgins stated but we're still not land locking the property? Mr. Rabideau stated that is correct. Mr. Higgins stated so we don't have control and I understand what you're saying. Mr. Nadeau stated the following: I think Thomas has access but I just wanted to know as to what was taking place. There is a large hill there and I don't know if that is the portion of it. Mr. Watts stated if we want to, we can approve it with a statement that we understand that access is available should it not be. Mrs. Murphy stated you can say that but you don't know if there is wetlands and streams or whatever. Mr. Rabideau stated it is a hill and the driveway that exists now; they have a prescriptive easement anyway. Mrs. Murphy stated they might, we don't know. Mr. Rabideau stated it does by use because we know that this is a hill issue and it's all sand so it's just a matter of just mining the sand out of there and making a new driveway.

Mr. Berkowitz made a motion to approve the minor subdivision application for the Key Valley, LLC Subdivision. Note: Grading Plan submitted with the Stormwater Pollution Prevention Plan (SWPPP) must be followed. Mr. Ruchlicki seconded. Motion carried.

New Business:

12.043 NB Atlantic Testing Laboratories, Ltd., 22 Corporate Drive – Sign

Mr. Eric VanAlstyne, the applicant, stated the following: I'm with Atlantic Testing Laboratories and we have submitted an application to take our existing wooden monument sign down and replace it with an aluminum sign. I have brought pictures of the existing sign that we will be removing and I also submitted a rendition of the new proposed sign.

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

Atlantic Testing, 22 Corporate Drive - Sign

Location: Capital District Business Park

Zoning: Abele PDD

Sign Size: 40 SF

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: at front of site along Corporate Drive

Lighted: ☐ Internal ☒ Flood

Mr. Roberts made a motion to approve the sign application for Atlantic Testing Laboratories, LTD. Mr. Ruchlicki seconded. Motion carried.

12.045 NB Porsche of Clifton Park, 205 Route 146 – Sign

Mr. Daniel Tompkins, of the Environmental Design Partnership, stated the following: This is an amendment to a previous sign application. The applicant wishes to reduce the previously approved 58.6 SF "Porsche" sign with a smaller 32.93 SF sign. Also, instead of New Country on the other side of showroom, there would be nothing. They are now proposing a small badge that is just under 9 SF and it would sit over the new canopy that is currently being constructed. It would have the word "service" on it and it would essentially earmark the parking spots underneath the canopy for service use. The pylon sign has previously been approved and has been installed. Mr. Roberts asked is the little badge going to be lit? Mr. Tompkins stated the following: I believe so. Another gentleman prepared the application and I'm filling in for him so he didn't have to drive from Utica. I think the application said, "internally illuminated". Mr. Roberts asked will the sign have neon? Mr. Tompkins stated no. Mrs. Murphy stated I think that was contingent on the understanding by the applicant that the prior approval for the New Country sign is voided and tonight's approval will take the place of the previously approved sign application.

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

New Country Porsche, 205 Route 146 – Sign

Sign #1

Location: Route 146 across from New Country Toyota

Zoning: C-1, Commercial

Sign Size: 32.93 SF

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: front (east) elevation of building

Lighted: ☒ Internal ☐ Flood

Sign#2

Sign Size: 8.61 SF

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: north face of building

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the sign application for Porsche of Clifton Park. This sign approval voids the last sign approval for Porsche of Clifton Park. Mr. Nadeau seconded. Motion carried.

Old Business:

11.143 OB Linden Village PDD, Dunsbach Road – Mixed Residential PDD

Mr. Roberts recused himself from this item. Mr. Donald Zee, Attorney for Marini Builders, stated the following: We are proposing a Planned Development District (PDD) of approximately 101-acres which is bounded by the Northway. Approximately 70-acres of the property is currently zoned Light Industrial/Commercial (LI-C) and approximately 44-acres is zoned Residential (R-1). We're seeking to have a mixed variety of housing types, which includes apartments, condominiums and twin homes. The mix would be 394 apartments, 56 condominiums and 18 twin homes. We propose to

have access off of Dunsbach Road. As I indicated with the regards to the LI-C property we looked at the Town's Comprehensive Plan and under this plan and their analysis there were a variety of comments made in the Town's Comprehensive Plan, which had indicated that one of the most undesirable types of developments were fast food restaurants and Light Industrial uses. That is page II-2 of your Town Comp. Plan. So, we are having a substantial large portion of property zoned LI-C, which uses the public has indicated that they are unhappy with. Secondly, the Comp. Plan page II-3 says large developments such as industrial facilities and big box commercials are frowned upon within the Town. In fact, under your LI-C use commercial zoning, you are permitted to have those types of uses on this property. Mr. Watts asked who said these are the most undesirable things; a survey or the plan itself? Mr. Zee stated the survey from the public. Mr. Watts stated I just wanted to clarify whether the Comp. Plan said or the public said it. Mr. Zee stated I have highlighted the sections and the pages of the Comp. Plan. This is the information that I gathered from the Town's Comprehensive Plan so obviously we looked at the Town's Comprehensive Plan and wanted to look at what the Town desired for its development. Mr. Berkowitz asked did they say regarding apartments verses single-family homes? Mr. Zee stated the following: It says that they had questions with regard to apartments. However, they did add in the variety of places as on page II-11 and II-12 that there is a need for housing diversity. They want to encourage housing opportunities for the elderly. They wanted to enhance the quality of life by providing housing to its residents and businesses that is on page II-6 as well as talk about enabling residents to make Halfmoon their home for this and future generations. That all tells me that you are looking for a variety of housing types. What we are offering is a variety of housing types. Mr. Higgins stated the following: I think that survey was done in 2001 and I think you might want some new input because the latest input that this Board is getting from residents is that they are tired of the traffic, they don't want more apartments and don't want more congestion on the highways. So, I think the information that you're citing is over 10 years old. Mr. Zee stated the following: Well, I have to go by the Town's Comprehensive Plan. The part that I'm referring to directly is the Comprehensive Plan itself as to what the Comprehensive Plan was looking at. I understand your concern. There were two aspects to it. There was a survey as well as what the findings were with regards to the Comprehensive Plan. Mr. Nadeau stated my question was when was this survey done? Mr. Zee stated I believe it was done in the early 2000's. Mr. Watts stated why don't you continue on with your description of the project. Mr. Zee stated the following: I wanted to let you know why we got to the point that we did because as an applicant, we have to look at the documents that are part of the Town's record and we did look at what the Comprehensive Plan recommended. So, what we looked at and what we thought was a desirable development because I don't believe as a general rule and not just the planning for the Town of Halfmoon but throughout good planning that you wanted to have buffers between single-family residential areas and LI-C uses or C-1 uses as we have here. So, what we are proposing a transitional use of multi-family, condominiums as well as twin homes. With our development itself, we are proposing to have certain amenities. The amenities are: internally we will have a clubhouse, recreational facilities and walking trails. Plus we would have a trail that would be available for the public that would be put in at my clients expense and open to the public. So, we are talking about having some recreational areas, not only for our own residents, but also for the public in general throughout the site. With regard to the development that we are proposing, we looked at a variety of access points that we proposed and did an analysis of having a traffic intersection with Dunsbach Road. That was done after several analyses and after some discussions with the representatives of the Town's engineering support staff etc. and there were concerns on Dunsbach Road with regard to having an intersection there and how to move traffic along. So, we proposed putting in a roundabout and there are some comment letters that are in the file where I

believe CHA raised concerns about the intersection and that's why we came back with a roundabout design. There were some questions with regard to the intersection of Dunsbach Road and Vischer Ferry Road and we did an analysis there. We have had communications with the New York State Department of Transportation (NYSDOT) and concepts that were presented to the NYSDOT, which are tentatively subject to further review and had agreed in concept with the concept of having various turning lanes installed as well as a placement of a traffic light even before the warrants are required there. I know there have been a lot of concerns about from the public with regard to impacts of housing developments in the Town of Halfmoon on the school districts. We looked at that and I know that there has been erroneous information submitted in the public domain with regard to the impacts of the residential development that has happened in the Shenendehowa School District. I will pass out information from the Shenendehowa website and the fact that the number of school aged children in the Shenendehowa School system has been declining over the last 4 years. Also, in April the Shenendehowa School Superintendent, Dr. Oliver Robertson, appeared before the Town Board of Halfmoon to talk about the school district and the fact of what kind of student population is occurring and Dr. Robertson acknowledged that the future incoming classes were declining in enrollment and the classes that are graduating are larger than the incoming classes. Thus, there is going to be further reductions in the number of school-aged children in the Shenendehowa School District. So, we believe that some of the information out there about projects such as this would overburden the school system is unfounded and if you look at the facts they are untrue and I think that is very important. I did do an analysis also in looking at the 2000 census as well as the 2010 census. I will pass out that information before I go through it and there is supporting information from both of the census information. The first bit of information that I think is important to note is that unfortunately, the Town of Halfmoon is getting older. The median age of the population in the year 2000 for Halfmoon is 35.8 years of age and in the 2010 census it is 40.5 years of age. That means that the median age of the Town of Halfmoon went up approximately 5 years in the course of a 10-year period. That tells us that there are a lot of older people in the community and are active adults. I would think that means that they want a different type of housing than the original single-family residential units. They are looking for housing that is maintenance free, smaller or housing that they could rent. They could sell their home and take the benefit of the sale of their home and have a location some other place during the wintertime. Mr. Berkowitz stated the following: How do you account for the number of residents under the age of 10 increasing by less than 100 but the number of residents under the age of 20 increasing by 500. I think we are getting a nice mix of young people and we are getting some elderly people as we build senior housing. You can play statistician and you can play games with numbers. Mr. Zee stated I'm just taking the numbers from the census. Mr. Berkowitz stated I know you are but you're explaining why the median age is getting older but you're not explaining why the number of residents under the age of 10 is increasing and why the number of residents under the age of 20 is also increasing. Mr. Zee stated but the percentage of people under the age of 20 has decreased. Mr. Berkowitz stated the following: But the actual number has increased and that is also a reason for the population increasing in this area. Mr. Zee stated going down the chart the fifth line item was the number of residents in the Town and the population of the Town has increased over 3,000 people in the course of 10-years. Mr. Berkowitz stated the following: Right and there are a large number of younger people and a large number that are older people and we know this. I don't think we need an explanation of the census. Mr. Zee stated you asked me not to just dwell on the Comprehensive Plan, which had a lot of information with regard to the need of housing for seniors. Mr. Berkowitz stated we already know this. Mr. Zee stated I don't think a lot of the public knows this because I see them coming in to read the newspapers and read your minutes about what their comments are with regard to school

districts and the impact and the overburdening of the school system when the number of school aged children has declined. Mr. Berkowitz stated the following: By 31 from 2010 to 2011. If you want to go back to the 80's, it decreased by more than that and then it goes back up and it's all transitory. Everything is transitory in this area and it's going to continue to be that way. Mr. Zee stated but if you don't allow development to continue. Mr. Berkowitz stated the following: We are allowing development to continue but it might not be the development that you might not like. We have to balance all this development because that is our job. I'm not saying anything about your project. I'm not saying it's bad and I'm not saying that's it good but we know a lot of these statistics. This isn't just because we are getting letters from the residents. The residents know the statistics and we know the statistics. Mr. Zee stated the following: I just wanted to put on the records what I perceive as the important statistics and I know that this Board is a very experienced Board. This information is for myself and for my client to put this information on the record so that everybody is aware of it and not just you, Mr. Berkowitz. I'm not sure if everybody else on the Board is fully aware of the information such as the vacancy rates of the housing stock in the Town. Despite the fact that you had approximately 1,600 housing units built in the past decade in the Town, the vacancy rate in Town for the housing stock has declined. It has declined to the point of 3.4% as opposed to 4.8%. So, there appears to be a need for additional housing in the Town. Mr. Ouimet stated the following: Let's assume that you have convinced us that we need additional housing in the town. Now what I would like you to do is to convince us that this housing project needs to be in that location. Mr. Zee stated the following: As I said, if you continue under the current zoning, we have 70-acres of LI-C property. LI-C property with the uses that are permitted under LI-C such as truck terminals, gas stations, retail uses, office space, etc. can generate more traffic than residential uses. I'll let my traffic consultant to talk with you because that was one of the issues raised earlier with the comment about the burden on the traffic network. Mr. Ouimet stated if we let it in. Mr. Zee stated the following: With all due respect, if it's zoned for a particular use, then there is already legislative authority indicating that the uses are permitted. We have access running through other parcels of land. Mr. Ouimet stated okay, every piece of land is unique so let's go back to my original question; tell us why this project needs to be at this location? Mr. Zee stated the following: This is the piece of property that my client has under contract. We don't have any other piece of property under contract so this is the plan that we are proposing. Why does it have to be in this area or why do we believe it's appropriate for this area? The reason why we believe it is appropriate is (1) it is a good buffer from the commercial industrial uses as opposed to the single-family residential uses here. If you had this LI-C use, I think you would have more conflicts within the community between the commercial uses and the residential uses. We think it is a good buffer for it. (2) why we believe it is a good location is because of its access to the Northway. As Mr. Berkowitz had indicated, you have a good number of young people moving into the area and a lot of them don't have jobs immediately in the Town of Halfmoon and they want to be near the Northway and the want to be near commercial/retail, which is on the west side of the Northway ramp. So, that is a good area for development purposes. So, we believe it's not appropriate putting single-family homes immediately next to Mabey's would not attractive, putting it next to LI-C is not attractive and some of the type of housing in this location, though it is needed, is not going to generate the type of single-family homes that we believe is warranted in this community. This is a nice well-maintained park here but people driving through the community is not going to be conducive to building moderately priced single-family homes. So that's why we believe this is appropriate in this area. Obviously, there is the availability of public utilities, water and sewer. We have communicated with the appropriate parties with regard to that as we have indicated. The highway system, in our opinion and with our traffic consultant, has indicated that improvements can be made on the roadway system. Not only to handle the existing traffic and the

potential future traffic coming from this project, but in fact the roundabout was done in an analysis of potential future development along Dunsbach Road that isn't even on the table before this Board. With CHA looking into future, asking what is going to happen in this area, that's why we came back and thought it would be appropriate to have the roundabout rather than stop signs there. That's why we've talked to the NYSDOT and talked about the existing situation and took a look at the traffic warrants regarding this project. In talking to them, my client is willing to commit to a traffic signal even before the warrants are warranted under the NYSDOT standards. We are willing look at the necessary improvements to the intersections that are hopefully beneficial for the current existing residents in the area. With regard to the units themselves, we are talking about condominiums; maintenance free ownership for sale units. We are talking about twin homes; smaller homes with smaller lawns to maintain. We talking about multi-family apartments and we believe that there is a need for apartments and these types of housing. About 3 months ago in the TIME magazine, they talk about the medium price home in the United States and I know Halfmoon isn't the medium area but according to that article the medium priced home in the U.S. \$260,000. Given today's economy and the work situation, it will take the average worker in the U.S. 17-years to save enough money for a down payment. Where are these people going to live between graduating from college and when they can afford to buy their first home? I think the Town would want to address in light of the fact that the Town has said that they wanted diversity and they want to continually have the young people move into the community and seniors want to sell their homes and buy a smaller home. I think this all works in conjunction with each other and that's why this type of product at this location would be helpful. Hopefully I have addressed some of your concerns with regard to this proposal. Like I said, look at the nature of the development that's adjoining and putting single-family homes immediately adjacent would not be attractive. I don't think the residents in the Belmonte residential development would be too happy having some sort of commercial type use in those areas. Mr. Higgins stated the following: Even if we agree with everything that you have said, we still have problems with traffic and we still have problems with access so why don't you cut the number of everything in half and then maybe the access that you're looking at would work? If there are senior citizens at this site, half of them aren't going to be driving so you wouldn't have to worry about that. The rest of the development would be younger families and if the roads are that bad and they are not going to live there anyway. I personally still have a problem with the traffic, the access and the size of the project. Mr. Zee stated the following: I'm not the traffic expert and I will let Mr. Ken Worsted of Creighton-Manning (CME) discuss what the traffic study finds because I don't believe that the traffic studies and analyses that were performed indicate that right now. The roadway system without the improvements that we are proposing to mitigate the impacts won't address what the traffic concerns that are raised. Mr. Ouimet stated the following: I know you didn't make the first presentation on this project but at that meeting I raised a couple of issues; number one was the size and the density of this project and number two was the fact it only had one way in and one way out with two emergency exits that are somewhat questionable to me. You are putting all the traffic from this massive project onto one little country road into a substandard intersection and I know the person from CME is going to tell you that it's an "F" intersection today and they are not going to add anymore to it. So, it will be an "F" tomorrow and you can add 10,000 more trips a day and it will still be an "F" and you persist on doing that. Although, instead of doing a 3-way stop sign, you're now proposing a roundabout. The roundabout is kind of appealing but not necessarily the best. I don't know about the boulevard entrance that you once proposed for this project and I don't know if you're going have it leading into a roundabout and if you don't, you need to. I think you need to take a look at proposing 394 apartment units in this project. You only have 468 units proposed, but 394 of those are apartments and that's traffic. There is only way to

get to anywhere you're talking about getting out of this project and that's Dunsbach Road. To go south on Dunsbach Road, you go to Crescent Vischer Ferry Road to exit 8. The only way you get to services is that you would have to cross over the Northway at Exit 8 to get to a small strip mall, gas stations and small convenience stores. In order to get to supermarkets, you have to go either up the Northway or go the other way on to Dunsbach Road to Woodin Road, over to Grooms Road to Exit 8A to Route 9. If you want to go to the mall, you would go further up Woodin Road to Sitterly Road, which is an issue already. You are adding too much to an already burdensome infrastructure and you didn't address any of that other than the roundabout. I think you have a lot of work to do before you bring this project back here. Mr. Ken Worsted, of Creighton-Manning Engineering (CME), stated the following: Our traffic study encompassed the project site and the likely routes that traffic was going to travel to. We've looked at the number of units that are proposed so we have calculated the number of trips that are coming in and out so it is not an unknown. There would be about 240 trips in the morning and 280 trips in the afternoon. Mr. Berkowitz asked for 468 units? Mr. Worsted stated yes. Mr. Berkowitz asked why so few trips? Mr. Worsted stated the following: When you have residents in almost any situation, you might have more people who live in a particular unit. That doesn't necessarily mean that they both leave at the same time, it doesn't mean that all of the residents in this complex are going to leave right at 8:00 am. It doesn't mean that all the residents are going to come home right at 5:00 pm. So, it takes into account that some people would leave earlier to avoid Northway traffic so they would leave at 6:30-7:00 am in the morning. You have people who may work part-time jobs, you have people who may stay later to get their children on the school bus and you have people who just may leave later. For example; I use to live across the way here. So, I would time my commute so that I would avoid all of the Northway traffic. I would leave around 8:45 am and get into the office at 9:00 am and I would avoid the traffic backup on the Northway. I'm sure the residents of Halfmoon do the same thing. They don't all leave at the same time and come back at the same time. Mr. Berkowitz stated most of the people leave between 7:00 am and 8:00 am if you look at the traffic report. Mr. Watts asked what time was your 240 number? Mr. Worsted stated it was for one hour. Mr. Watts stated so it would be 240 per hour. Mr. Worsted stated the following: It would be 240 for the peak hour in the morning. So, if people left between 5:00 am to 6:00 am, it's going to be much less. People who are leaving from 6:00 am to 7:00 am it would be less than the peak. People who leave in the peak hour is going to be that 240 number. Between 9:00 am to 10:00 am it would be lower. Mr. Watts stated so the 240 is in the peak hour in the morning and 280 is the peak hour in the afternoon. Mr. Worsted stated yes. Mr. Higgins asked what percentage of retired people were you assuming in your numbers. Mr. Worsted stated I don't think we had any retired people in our numbers. Mr. Higgins stated so you're assuming that every household of your 470-units was all working people. Mr. Worsted stated the following: Yes, it was averaged for the apartments, townhouses and condominiums. We didn't take any discount for senior housing. Mr. Higgins stated the following: So, for the 470-units with an average of 2 people per unit going to work; and on my map that's almost a 1,000. Are people leaving at 4:00 am to 10:00 am in the morning? Mr. Worsted stated the following: No. Obviously, not everyone is going to work. You would have some people who would be staying later who have part-time jobs. People may not go to work at all, they may just stay at home and their spouse may work. So, when we look at these studies, we take into account all those different contributing factors. We just can't take the number of people who might be here and assume that they're all traveling to and from a particular place. Mr. Zee stated the following: I just want to point out that on that sheet with the demographics and I know you don't like that, but the fact remains that the average household for renter occupied housing is 1.95 individuals. So, when you say there would be a 1,000 people here and of that 1,000 people a certain percentage of them are children, a certain percentage are ultimately going

to be senior citizens. So, the number of people would pretty much mirror what your population is across the township. Also, there is a certain number that would be on school buses. That is why you don't have arguably two trips for the 1,000 during the morning peak hours because they are averaging 1.95 people and certain percentage of those people don't drive. Mr. Ouimet stated and all of those people are on one road? Mr. Worsted stated yes the residents in the development would come out to the single road, Dunsbach Road. Mr. Watts asked did you do a traffic count of current traffic on Dunsbach Road? Mr. Worsted stated yes. Mr. Watts asked what is that number during the peak hour? Mr. Nadeau asked and when was that done? Mr. Higgins stated and in both directions. Mr. Worsted stated the following: In the morning we had about 120 southbound and about 20 northbound. In the afternoon we had about 55 to 60 heading southbound and in the northbound direction we had about 80 trips. Mr. Watts asked is this in the peak hour. Mr. Worsted stated that is correct. Mr. Berkowitz asked did you also time how long it takes them to right hand turn or a left hand turn on to Vischer Ferry Road or did you just measure the number of cars. Mr. Worsted stated the following: We measured the number of cars that came through that intersection in an hour. Then we also did a capacity and delay analysis to estimate what those times were. Mr. Berkowitz asked did you analyze it or measure it? Mr. Worsted stated we had analyzed it. Mr. Berkowitz stated so no one was out there with a stopwatch. Mr. Worsted stated the following: That is whatever we originally did and I would have to look through my crate of traffic information. I think we had gone out there and measured the actual delay of people traveling south. One of the things that we looked at is that it was much easier to make a right turn than it is to make a left turn. Because it is a single lane, you could have one person who is sitting there waiting to make a left turn and they are holding up people who want to turn right that are behind them. Mr. Berkowitz asked did you also measure people coming north on Dunsbach Road who want to go north on Dunsbach Road? Mr. Worsted stated yes. Mr. Berkowitz asked what was that like? Mr. Worsted stated the following: It was relatively low. We had two people traveling northbound in the morning going straight north and then in the afternoon we had seven cars. Mr. Berkowitz asked did you take into consideration the future development that is going on that road? Mr. Worsted stated the following: No. We primarily looked at the developments that were known at the time. We had started this traffic study before the Halfmoon Village & Yacht Club. Mr. Berkowitz stated there is also another development in that area called Stone Quarry that is now known as The Moorings of Halfmoon. Mr. Worsted stated yes, we did take that into account. Mr. Ouimet asked did you measure the traffic volume at the other end of Dunsbach Road where it intersects with Woodin Road? Mr. Worsted stated the following: We know some of the numbers coming up here in a different study. We had done a study of the Princeton Heights project there. We looked at those volumes going from Dunsbach Road onto to Woodin Road and continuing all the way up to Grooms Road. Mr. Ouimet stated you mentioned that you lived in this area, right? Mr. Worsted stated the following: Yes, I grew up in Clifton Park and a friend of mine lived on Woodin Road and I picked him up and we drove to Hudson Valley. Mr. Ouimet asked did your study take into consideration the fact that if Exit 8 is stacked up for one reason or another and the traffic coming out of your proposed development would go the other way on Dunsbach Road and find a different way to the Northway or Route 9? Mr. Worsted stated we had accounted for some of this development heading in the north direction. We had about 50% of the traffic heading toward Exit 8, 20% heading down Vischer Ferry Road to Route 9 towards Albany County and then we had 30% going north towards Exit 8A. Mr. Ouimet stated by your calculations didn't take into consideration the Halfmoon Village & Yacht Club? Mr. Worsted stated the following: Correct, but we included some of that because he had known that the project was going on but at the time they hadn't completed their study. So, we included some background traffic that we knew of but we didn't have their study until our study was complete. Mr. Ouimet asked did your office do their

study? Mr. Worsted stated no, I believe it was Chazen. Mr. Ouimet asked did you think there was a need to update your study after that project was approved via legislation for 220 units? Mr. Worsted stated the following: There certainly could be some effect at this intersection. We looked at it a little bit in terms of where their traffic was going. They will have some traffic coming northbound on Dunsbach Road and making a left turn to go to Exit 8 but they have a couple of other routes where they might have traffic coming out to Vischer Ferry Road further to the east. Mr. Nadeau asked what is the current level of service at that intersection? Mr. Worsted stated the following: Under today's kind of standards without the project is; Vischer Ferry Road is a level of service "A" so you really don't have any delays on Vischer Ferry Road. When you're coming up Dunsbach Road from the south you have a level of service "B" in the morning and coming southbound you have a level of service "E". In the afternoon you have a level of service "D" going northbound because of all of the commuter traffic coming off of the Northway and you have a level of service "D" traveling southbound. Mr. Nadeau asked did you say this was prior to this project? Mr. Worsted stated yes, that was prior to this project. Mr. Nadeau asked do you have that after the project? Mr. Ouimet stated it is also prior to the Halfmoon Village & Yacht Club project, correct? Mr. Worsted stated the following: Partially yes. We included some of their traffic but didn't include all of it. Mr. Ouimet asked how many units did you include? Mr. Worsted stated I can look that up but I don't have number right now. Mr. Ouimet stated I don't want to mislead anybody on the Board to think it was an "E" before. Mr. Watts stated I have a recollection that the engineer from Chazen said that that was a level "F". Mr. Berkowitz stated it also states in the notes that it was a level "F". Mr. Worsted stated when we start adding in the background traffic and the traffic from the development, it does degrade to a level of service "F". Mr. Berkowitz stated this was a level of service "F" during the peak hours when there is a no build through this area and it says it will continue to operate at the same level of service after development of the proposed project. Mr. Worsted stated yes and that was without any improvements. Mr. Berkowitz asked with improvements what will it be? Mr. Worsted stated the following: With improvements, we were looking at doing 2 things there. We had looked at how much traffic would be turning left off of Vischer Ferry Road going northbound and then also the actual intersection control, that currently being a stop sign. So, the improvements proposed would be left turn lanes on Crescent Vischer Ferry Road and then a traffic signal. With those improvements, the intersection as a whole improves to a level of service "A" and with the Dunsbach Road approach being a level of service "B". That's in the morning and in the afternoon Dunsbach Road would operate at a level of service "C" while Vischer Ferry Road would continue to operate at a level of service "B". That's with a signal and left turn lanes. We had looked at the timing of the signal in the sense of when it would be installed and originally we had said that based on the amount of traffic that is coming southbound and northbound on Dunsbach Road wouldn't warrant putting in a traffic signal right away. However, in our discussions with the NYSDOT, they had agreed to allow that traffic signal to go in earlier in coordination with the left turn lanes. They believe that putting in the left turn lanes only wouldn't satisfy or improve the intersection enough to not have the signal go in at the same time. So, they agreed that providing the left turn lanes and the signal at the same time would be a more beneficial improvement than just doing one and then the other later on. Mr. Berkowitz stated so the signal and the left turn lane would go in at once and asked would that be prior to the project being completed? Mr. Worsted stated yes, prior to the project being completed. Mr. Berkowitz asked the whole project or partial? Mr. Worsted stated the following: They didn't specify how much of the project. We had looked at our analysis and said that the traffic signal wouldn't be warranted until they were pretty well completed with the development. Mr. Berkowitz stated do you have a number? Mr. Worsted stated the following: I can look that up but I want to say it was probably around 60% but I'd have to verify that. So, they basically agreed that their position has

always been that they will allow a traffic signal when it's warranted and the departure here is that they are saying that because of Dunsbach Road being a public street, they would allow the signal to go in before they actual technical numbers would be met. If this was a private road or a site driveway to the project site and not a public road, they would have said we're only going to allow you to put a signal in once your development is built out enough to meet those warrants. Mr. Berkowitz asked have you proposed any other or different scenarios for ingress or egress to this project to the NYSDOT? Mr. Worsted stated the following: Yes. We had talked about several scenarios and this goes back to 2008 when we started looking at this project. We had looked at a scenario of coming in from Progress Drive and dismissed that because of the proximity to the Northway. We had looked at an option of coming through the parcel that's between McDonald's and Hess. We also looked at coming through behind Hess and coming out Morris Drive and then eventually we had looked at coming out to Dunsbach Road. So, we looked at all of those scenarios and discussed it with the NYSDOT and the NYSDOT attended meetings here and had workshop discussions. Overall, as we had moved the access further away from the Northway, they liked it more and more. Mr. Watts asked does Morris Drive go through Mabey's property? Mr. Worsted stated it wouldn't go through Mabey's property; it would basically go around it. Mr. Watts asked wasn't there some discussion about going through Mabey's property too? Mr. Worsted stated I don't think we ever looked at going straight through. Mr. Bianchino stated I think there was one scenario where conceptually it would go behind Hess through the edge of the Mabey's property. Mr. Worsted stated yes, we had looked at coming between the driving range and Mabey's around to the back corner Hess and between Mabey's and Hess and then out the front. Mr. Watts stated so that was the furthest east access point that was looked at except for Dunsbach. Mr. Worsted stated the following: Correct. Then from here there are a number of properties you would have to go through. So, logically we came down to Dunsbach. Mr. Higgins asked are you under contract or under control of all the land you need to do the circle and the access lanes? Mr. Worsted stated yes we are. Mr. Watts stated the following: You have heard the concerns of the Board regarding the large volume of traffic that would be generated by the size of the project and all of the traffic going onto Dunsbach Road. I'm bringing up a possible scenario for you to consider of traffic coming out onto Crescent Vischer Ferry Road from one of those other access points. I know those issues have been discussed in the past and that there have been negotiations with property owners. We are at a point now where conceptually the Planning Board is discussing our concerns with you at a Planning Board meeting with the applicants. At some point when your project is as defined as it's going to be, then you would come back to the Planning Board. Then we would schedule a public informational meeting where the public could discuss their concerns relative to this project. There are some people who believe that we should have the public speak at every meeting. It really isn't fair to the public until the project has been discussed by the Planning Board and our engineers with the applicant to get to a point of where the public has a very finite plan from the applicant and the Planning Board can make their recommendations based upon the information that we have. Dunsbach Road is a tough sell particularly as it is the only road being considered to give access to your project and I know the Planning Board members have also evidenced those concerns as well. Mr. Zee stated the following: That's the kind of input that we appreciate. There are certain economics with regard to project and certain land values that we are need to work with if we want to move forward. If the intersection or the roadway network didn't go through Dunsbach Road and somehow we were able to have an access point directly to Vischer Ferry Road, how does the Board perceive just having one access point to Vischer Ferry Road instead of having the one at Dunsbach Road? Mr. Higgins stated the following: My personal opinion is that if you are going to do that, I still think you need two access points. I think you would need that one and Dunsbach Road. Because I don't think either one of them can handle the

volume of traffic that you are looking to put on it. Mr. Berkowitz stated the following: I think it's just the density within that project. Just to prevent backups within your own road network system could lead to accidents. What is the purpose of the internal roundabout? Mr. Zee stated just for traffic calming. Mr. Berkowitz asked is it to control your own traffic within there? Mr. Zee stated yes. Mr. Worsted stated I think it is more for esthetics. Mr. Berkowitz asked is it for esthetics or traffic control. Mr. Worsted stated the following: It is not a capacity issue where you talk about the roundabouts in Malta, they are capacity driven roundabouts. There's an example in a development in Latham off of Watervliet-Shaker Road that has a similar feature where it is a large kind of roundabout style intersection. There is another project in Latham that is also similar with a gazebo in the center and it's landscaped. So, it isn't a capacity issue; it's more of just a planning esthetic component of it. Mr. Berkowitz asked do you envision any capacity issues within the project, have you studied that at all? Mr. Worsted stated the following: The best example of this would be looking at this intersection with Dunsbach Road where all of the traffic would have been coming out of. We do have analysis of that where at the time it was just a two-way stop and that intersection operated at a level of service "A" and "B" and that is with all the site traffic coming out to that intersection. So, when you start to look at the internal intersections and think about this one as the next most heavily used in the sense of all the traffic has to come back through that intersection and it starts to dwindle out to the point where the area that is going to have the least amount of traffic is going to be in the back of the project because there is only a certain amount of buildings. Then as that traffic all comes out, it starts to build and gets larger, larger and larger and the focal point is all at this intersection. Mr. Berkowitz asked are you going to create a bottleneck there with 268 cars within an hours time? Mr. Worsted stated the following: No the analysis still shows that this would be a level of service "A" and "B". So, if it was an "F", then we'd say okay, this isn't going to work and we would need to revise something here. That might mean that we need multiple exits or it might mean that we need a different traffic control or we need a roundabout because of a capacity issue and not necessarily an esthetic issue. Mr. Berkowitz asked has this tried anywhere else before; with a roundabout coming out of a complex this large? Mr. Worsted stated the following: I would have to think about that. The Capital Region has probably the most number of roundabouts anywhere in our State. I know there is a development off of the Slingerlands bypass going down into Bethlehem and one of the last roundabouts in the link goes into the Vista Tech Park. I don't think anything has been built yet but they're doing construction, so that would be one example. I think if you go back up into Malta, there is part of the tech park where Dunning Street meets. Luther Forest has two neighborhoods north and south that both come out to a roundabout now. If you go further down that road, there is a road called Hermie's Road and I believe that goes to the Step Facility and I believe that has a roundabout as well. So, there is a couple of different examples of residential developments coming out to a roundabout along with commercial/industrial office uses. Mr. Zee stated the following: Regarding the one in Slingerlands, right now they are constructing a Shop Rite right next to that roundabout. It's the last one that they are building but it's not built yet. So, they have some development going in there as well that I believe there are other retail and office space that has been approved and being development. Mr. Ruchlicki stated the following: There is an emergency road shown going into that circle. So, I assume that this was for emergency vehicles and not necessarily internal traffic. My concern is that we are already talking about a level "F". Even if you put a roundabout in, what changes it just because you put the roundabout in? Mr. Worsted stated the following: We are not talking about a level of service "F" in that area so the roundabout has no influence on this intersection itself. So, whether it's a roundabout or an all-way stop or stop signs, it should have any effect over in that area. The comment that was generated in regards to this was that the traffic in this neighborhood is essentially fixed. Meaning that this isn't going to expand it anymore.

You're not going to take wetlands and some of the other steep slopes and develop it into homes or something else. So, the traffic that is coming in and out of here is somewhat fixed. However, the traffic on Dunsbach Road has the potential to increase. So, under the original plan where we had Dunsbach Road essentially coming up and curving into this site and Dunsbach Road from the north coming in and acting as the leg of the "T" and in the future this leg becomes a higher use leg and you're making them come up to a stop sign whereas, the traffic that is coming in and out of this site would be a little more freefalling. So, this idea basically balances out the control or the delay to any of the approaches regardless of how much traffic is coming from each leg. It's a little more evenly spaced or unbiased in terms of which leg has to stop. If you think about a situation where you're pulling up and you come up to a stop sign and there's never any traffic on the other, but why are you stopping if you are the heavier movement? So, that was the idea behind the comment that generated this. Mr. Ruchlicki stated you gave us the trip count and you called it a peak hour, what time of day are those peak hours? Mr. Worsted stated the following: Obviously, overnight there's no traffic or very light traffic and if you were to graph that volume, it would be very low. In the morning when people start to go to work it peaks. The typical peak period is between 7:00 am and 9:00 am. That is when most people are traveling to work. Within that peak period, we take one hour and I can look up what those peak hours were. It might be from 7:30 am to 8:30 am or it might be from 8:00 am to 9:00 am. I can look that up and give you what that specific hour was. That is similar to the afternoon where the peak period is 4:00 pm to 6:00 pm and in that is a one-hour peak. So, we look at the peak during the day and in that peak we look at the highest hour. Mr. Ruchlicki stated the following: That is a statistical thing that you just described and now I'll describe reality to you. If I leave my house 5 minutes later than I normally do, the traffic volume may be 45% greater than if I leave 7 minutes later. Because generally speaking, most people have to be to work on the hour or on the half-hour whether they start work at 7:00 am or 9:00 am. So, you are covering a whole zone in there over a period of an hour's time. But, I would be willing to bet you that 90% of that traffic flowing out of there to get to the Northway are all going to leave within 5 minutes of each other especially if they all start at 7:00 am or 8:00 am on their job. So, you could take a whole different statistical approach to the numbers and come up with a situation where that intersection won't handle that traffic and it will always be an "F". Do you agree with that? Mr. Worsted stated I agree that there is a potential for it. Mr. Nadeau asked at what time of the year was this traffic study done? Mr. Worsted stated I believe it was in May. Mr. Nadeau stated my feeling is that I think a project of this size needs to have 2 entrances. Mr. Ouimet stated the following: The way that this project has been presented tonight, I could not warm up to. Despite what I've already heard about the traffic study, I understand that it's already been done and I'm sure a lot of money has gone into commissioning the study, conducting the study and producing a report. But, the things that scare me a little bit is the Halfmoon Village & Yacht Club project was not considered. The east end of Dunsbach Road was measured in conjunction with these projects but only in conjunction with a prior project a long time ago. I also didn't hear anything about what the traffic impact would be on the Crescent Vischer Ferry Road bike and pedestrian trail, a grant that this Town is working with the Town of Clifton Park. I think the traffic study has to be updated at the very least. In order for you to make a cognizant presentation to the public at a public hearing, you have to have all of those issues in hand. You have to talk about all the apartments units that are in that corridor from Route 9 all the way up to Exit 8. You have a significant number of apartments and I think if your numbers stay the same, there is going to be over 1,000 apartments that are theoretically going to be dumping traffic onto Crescent Vischer Ferry Road and most likely Dunsbach Road. If the people from Stone Quarry have to get over to Exit 8, chances are pretty good they'll end up on Dunsbach for some portion of the time. I think you have to look at what would happen when Exit 8 stacks up and people can't get to where they

need to go if they are going north on the Northway where they're going to access the shopping malls, the Wal-Mart's, the Price Chopper's and the places they go to on a regular basis. If they are going to go to work in central Saratoga County, they're going to go up the Northway and they're not going to go towards Albany anymore. You have to consider those kinds of things and I'm not sure that the traffic study as already done, has done that. I would be very leery of saying that 2 entrances on Crescent Vischer Ferry Road is going to do it. I think we have to know about where all of this other traffic is going to go if in fact you're going to insist on a project this size going into that particular piece of property. Mr. Nadeau stated the following: Regarding the roundabout, let's say there were to be an incident there or an accident that literally bottlenecks the whole roundabout. How are you going to get the people out of that project? Mr. Worsted stated I believe that there is an emergency access. Mr. Nadeau asked is anybody going to know how to travel out of that? Mr. Watts stated that emergency access would have a gate and a lock on it if it is a true emergency access point. Mr. Worsted stated that would likely be the fire department that either has a key or come and they cut the lock. Mr. Nadeau stated the following: How responsive is that? Is that a 10-minute ordeal or are we talking an hour? What if an elderly person in the back has an issue and needs an ambulance? I just can't see 1 entrance to project of this magnitude working. It just doesn't make sense. Mr. Worsted stated the following: I can't really speak for the emergency responders or how they would treat the situation. Mr. Nadeau stated I think we need to. Mr. Zee stated there is also another emergency access; an 18 FT wide emergency access. Mr. Nadeau stated and I understand that but are the bulk of the people going to have a plan that says they need to do this when this intersection becomes bottlenecked? I think most people are not going to know that. Mr. Zee showed the Board all the emergency access on the plan. Mr. Ruchlicki stated the following: My point with this whole stack up issue and what I was trying describe with that 5 to 7 minute window when everybody has to get to work at a particular hour and they have travel time that generally is the same distance. I think anybody that lives in the area will tell you that if you're going south on the Northway from Exit 9 up through past that area with Exit 8 and on down through to Latham during the 8:00 am hour, I don't think any traffic moves south on the Northway over 35 or 40 mph; if that and generally it is stop and go. So, having said that, I'm trying to understand in my own mind how you're going to move that volume through that area through 1 intersection with only 1 point of access. I'm just having trouble with that. I just know that we already suffer from lack of infrastructure as it stands now and you're not improving anything there even if it was to put a second entrance in. What would that distance be between that intersection and the one at Mabey's? Mr. Worsted stated maybe a 1,000 FT. Mr. Berkowitz asked what is the accident rate of roundabouts verses a signalized intersection? Mr. Worsted stated the following: Typically signalized access points have a lot more rear end accidents. In a roundabout the accident rates are typically lower but there are some unusual cases where they're higher. Mr. Berkowitz asked why is that? Mr. Worsted stated I can look into that and we have discussed that with the NYSDOT. Mr. Berkowitz stated I know there are less fatalities but more property damage. Mr. Worsted stated correct. Mr. Zee stated the magnitude of property damage decrease because they're entering in at a slower speed up to the roundabout. Mr. Berkowitz stated but the rate of accidents increase but there is less property damage. Mr. Worsted stated the following: On the large scale if you look at all roundabouts, on average the number of accidents decrease and the fatality rate or the injury accidents decrease substantially. The property damage I think typically decreases in sense of the severity of it. Mr. Berkowitz stated but people still stop in that roundabout to survey the damage and see if anybody is injured. Mr. Worsted stated certainly and people do that on the Northway also. Mr. Berkowitz stated the following: But there are places to pull over on the Northway. Are there any places to pull over on a roundabout without clogging up all the traffic if it was a one-lane roundabout? Mr. Worsted stated the

following: It depends on the accident. If it was a one-lane roundabout, there would be an apron on the inside, which has a mountable curb and you could drive over that. Mr. Berkowitz asked is the curb on the interior or exterior? Mr. Worsted stated the following: There would likely be a curb on both sides. On the interior there is a small like wedged curb that snowplows can drive up on it or if you had to drive around a disabled vehicle or an accident, you could also drive up on it. Mr. Watts stated are you aware of any roundabout that's constructed of that size in the Capital District that one of us could go to see and drive on? Mr. Worsted stated I believe there is one at the end of Schoolhouse Road. Mr. Watts stated the following: Relative to roundabouts; I think they've lost some of their luster. I think there was a big wave of traffic engineers and everybody saying that roundabouts were the end of the world and that seems to have waned a bit and I think there are other kinds of devices that are being used. Mr. Zee stated the following: I live at the end of Krumkill Road/Schoolhouse Road and in the past during the peak hours going to approach that intersection from Schoolhouse Road coming from Western Avenue at the end of the Northway, there used to be a line a cars somewhere around 30 to 40 cars and now if there is one car in front of me going through, it's a lot. As to the number of accidents at that intersection, it has reduced dramatically. Mr. Watts stated the following: One of the other thoughts I had and I don't know at what point, but in your application I believe you spoke about the driving range and greenspace being counted. I don't know if everybody has thought about that and how that works. Another thing that wasn't addressed tonight is what is the possible development of the other property adjacent to this project where they were talking about the possibility of a hotel or restaurant and the access points out of there that is next to the driving range, Progress Lane but that's not part of this proposal. Mr. Zee stated the following: Right, the hotel is shown on this plan and we show the traffic means of ingress and egress through Progress Lane there. With regards to the driving range itself, we've proposed that the use continue as a driving range and as soon as the driving range ceases operations, it becomes forever wild and it does not become developed. So, with that development, under your LI-C code you require 20% greenspace here. What we are proposing for our developments is that there be greenspace of 52% if this project were to be approved as it is. So, we are talking about a substantial amount of greenspace. We are talking about the access point that we also would be having the multi-purpose path available for the public access going throughout the development, which would eliminate the need for people to go in part on portions of Dunsbach Road as well as the other roads in that area. Mr. Ouimet asked is the percentage of greenspace calculated with the inclusion of the driving range? Mr. Zee stated yes it is. Mr. Ouimet stated so without the driving range, how much greenspace is projected? Mr. Zee stated I will check and get that number for you but I think it would clearly be in excess of 20% because the driving range is somewhere around 12-acres and there is a total of 101-acres. Mr. Higgins asked did you also do a breakdown of buildable area if it was with single-family homes in the entire development what would it be with the wetlands and steep slopes excluded? Mr. Zee stated I think in the long form EAF that was submitted, I believe there is somewhere around 150 single-family homes between the 2 parcels. Mr. Ruchlicki asked is that an emergency access in the back part of project? Mr. Zee stated it is an emergency access but also it is an 18 FT wide multi-use trail so it would serve two purposes. Mr. Ruchlicki asked why wouldn't you make it into a regular road? Mr. Zee stated because of that gentleman's portion of the property. Mr. Ruchlicki asked and on that side of the property, there is no other place to put another road because of that. Mr. Zee stated that is correct. Mr. Nadeau stated being a PDD; what are the public benefits being looked at? Mr. Zee stated the following: What we have talked about is a payment of \$1,000 per unit for \$468,000 and if you take the delta between the 150 single-family residential units and the 468; you would have additional park fees for that delta. I know we were getting housing units for it, but there is 318 additional housing units and I think the park fee is \$1,500 per unit for a total that is close to a

little over a million dollars between the additional park fees because of the density that we would be entitled to or granted under the PDD plus the proposed public benefit of \$1,000. So, there is over a million dollars of public benefits. We are also talking about making traffic improvements for the intersection. We're not counting that but we're saying this is over a million dollars worth additional moneys to the Town. Mr. Berkowitz asked why is there a proposed access to the Lands of Wright and what are the Lands of Wright? Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated we are proposing to deed the access so the Wright's can access that. Mr. Ouimet stated I assume that if this project is approved it would be phased in. Mr. Zee stated yes. Mr. Ouimet asked what would you build first, the apartments, the twin homes or the condominiums? Mr. Zee stated it would be the twin homes first, the condominiums and then the apartments. Mr. Watts stated you have heard the Planning Board's concerns relative to the access points, the traffic and the density. Mr. Zee stated the following: I believe Mr. Ouimet wanted some additional information with regard to looking at the Woodin Road and Dunsbach Road intersection. Mr. Ouimet also wanted us to look at the Halfmoon Village and Yacht Club data as well as any other projects that are on the drawing on the board now as opposed to when we started the traffic study back in 2008. You wanted us to look at in the event that there was a backup on the Northway and what would impact on how traffic would go. One of the Board members asked about the timing in delays and if we actually did a stopwatch in regards to the delays on the southbound lane on Dunsbach Road. How we define peak hours and showing that information. There was a question with regard to a boulevard entranceway and whether that was going forward. Mr. Ouimet stated I wanted you to look at what impact the traffic would have on the Crescent Road Bike/Pedestrian grant. Mr. Berkowitz stated also if you looked at school bus traffic patterns and how that would affect the traffic study. Mr. Worsted stated any existing bus traffic that was on here would have been collected but they may change. Mr. Ouimet stated also would you look at the impact on public safety from the fire department's standpoint having any issues with any of the flow or any of the traffic and with the Highway Superintendent if he has any issues with the roundabout and what you're proposing Dunsbach Road.

This item was tabled for the applicant to address the Board's concerns that include traffic concerns that include only one access to the site and that the access is only onto Dunsbach Road. The Board wishes to have a second access directly to Crescent Vischer Ferry Road.

Mr. Ruchlicki made a motion to adjourn the May 29, 2012 Planning Board Meeting at 9:33 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary