

## **Town of Halfmoon Planning Board**

### **July 25, 2011 Minutes**

Those present at the July 25, 2011 Planning Board meeting were:

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

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Paul Hotaling

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the July 25, 2011 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the July 11, 2011 Planning Board Minutes. Mr. Berkowitz made a motion to approve the July 11, 2011 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

#### **Public Hearing:**

**11.076 PH      Helen Ruchlicki Subdivision, 1878 Route 9 – Minor Subdivision/Special Use Permit**

Mr. Ruchlicki recused himself from this item. Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Drew Schaufert, of Santo Associates, stated the following: The parcel is 2.6-acres. It's what is left of the old right-of-way of Route 9 before the State realigned the highway in early 1960's. The land was abandoned to the Town in 1963 and subsequently relayed to Mrs. Helen Ruchlicki in 2005. The proposal now is to subdivide that into 2 parcels. One parcel is 1.9-acres and would be conveyed to Mr. Scott Kislowksi who owns the house that is currently being reconstructed at 1878 Route 9. The remaining 0.685-acres would be combined with Mrs. Ruchlicki's other property at 1872 Route 9. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm. Mr. Higgins stated I would like clarification on the 1.905-acres; you said that on the second piece it was being combined but you didn't say it was being combined on the first piece? Mr. Schaufert stated they are both being combined with the existing lots. Mr. Higgins asked so are you going to end up with just 2 parcels? Mr. Schaufert stated right, when it is all said and done there would be 2 parcels; one parcel for Ruchlicki and one parcel for Kislowksi.

Mr. Nadeau made a motion to approve the minor subdivision/special use permit for the Helen Ruchlicki Subdivision. Mr. Ouimet seconded. Motion carried.

**New Business:****10.093 NB                    Ideal Body Personal Training Studio, 381 Hudson River Road – Sign**

Mr. Shawn Boschelli, the applicant, stated the following: I'm looking for an approval for my sign for my studio. Mr. Watts asked the applicant if he went through the Zoning Board of Appeals (ZBA). Mr. Boschelli stated yes I did. Mr. Watts asked did you get a variance approval from the ZBA to have a doubled sided sign that would be 15 SF per side for a total of 30 SF? Mr. Boschelli stated yes. Mr. Watts stated that is why you are back before the Planning Board and I asked you these questions to clarify it for the record. Mr. Boschelli stated that is correct. Mr. Higgins asked are there any limitations on illumination for this sign from the ZBA? Mrs. Zepko stated we did not discuss the illumination at the ZBA. Mr. Watts asked so what is the sign going to be? Mr. Boschelli stated the following: It is the existing sign that I have right now and it is not lit. So, what I'm going to do is to take my existing sign and box it in treated wood around the existing galvanized pipes that are around it now. They wanted the sign to be 3 FT off the ground at the bottom of the sign so this met their qualifications. As I mentioned, we are going to box the sign with treated wood all around the sign and use the existing galvanized pipe that is holding up the sign and bring it down to 3 FT off the ground and then paint the wood black. Mr. Higgins asked how far would the top of sign be off the ground? Mr. Boschelli stated the total height of the sign would be 6 FT. Mr. Higgins asked does the 15 SF per side include the wooden surround or is that just the sign area? Mr. Boschelli stated no, it's going to include the wood itself. Mr. Higgins stated the following: So, the sign would be a total of 15 SF on each side including the wood surround and it would be non-illuminated. The bottom of the sign would be 3 FT off the ground and the height of the sign would be a maximum of 6 FT off the ground. Mr. Boschelli stated that is correct.

Mr. Higgins made a motion to approve the sign application based on the design criteria that is described in tonight's minutes for Ideal Body Personal Training Studio. Mr. Nadeau seconded. Motion carried.

**11.003 NB                    Falcon Trace Lot #2, Fellows Road – Amendment to PDD**

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing Falcon Trace Senior Living, LLC for the modification to the Falcon Trace Planned Development District (PDD). The section that is being modified in the PDD is 166-721. We have been before the Town Board and they referred us back to the Planning Board for this portion of the PDD process. There are two modifications that we are trying to do here in this section that I just talked about. One was to clarify the number of units of the senior apartment building, the luxury apartments and the independent senior building numbers. We have modified the numbers and I'm not sure why the numbers were incorrect in the first PDD legislation but this action would fix those numbers. Mr. Watts asked from what to what? Mr. Rabideau stated the independent senior apartment building in the PDD legislation is 120 and would be 124. We had three 11-unit independent senior apartment buildings that would stay the same. Then we have eleven 11-unit luxury apartments that were previously thirteen and now that would be eleven. I'm not sure why the numbers were incorrect but this is to fix those and clarify those. There would be a total of 278 units and that does not exceed the maximum buildout of 296 units. So, we are under the maximum number of allowed units. Mr. Watts asked Mrs. Murphy if that was in accordance with the PDD. Mrs. Murphy stated the following: Yes. Those numbers come from the engineer themselves when they did the proposal. The total number, if the Board chose to make a positive recommendation back to the Town Board, would still be less than the total number permitted. Mr. Rabideau stated the following: That is correct. The second part of the amended PDD is that the PDD was set up to create two commercial lots. Last year we came in and did a subdivision to create this lot. The only allowed use in the PDD would be C-1 Commercial for that

parcel. We would like to have the C-1 zoning wording changed in the PDD legislation. It currently reads: "Two commercial lots shall be created as part of the Falcon Trace PDD. The only uses permitted in the C-1 zone pursuant to the zoning laws of the Town of Halfmoon shall be permitted on these lots". We would like that amended to: *Lot #2 as shown on the map entitled, "Subdivision - Lands of Falcon Trace Senior Living, LLC", dated July 14, 2010 last revised on August 23, 2010, prepared by Gilbert VanGuilder Land Surveyor, PLLC and filed in the Saratoga County Clerk's Office on November 1, 2010 as Instrument No. M2010209 would also permit storage of large construction equipment and construction of a maintenance repair shop for said large construction equipment.* That's the wording that we would like amended in the PDD legislation and that would only refer to this lot. Mr. Higgins stated instead of building a rock retaining wall, why don't you just move the building down a little bit so the elevations work a little bit better? Mr. Rabideau stated the following: How in depth are we getting with this, because I have the proposed site plan for that parcel? Are we getting right into the site plan of this or just the general change of the working in the PDD? Mr. Watts stated the following: We are here to make a recommendation back to the Town Board for the PDD legislation amendment. Then it would come back to us for the revision. Did the Town Board or will the Town Board have to have a public hearing on this? Mrs. Murphy stated yes. Mr. Watts stated so when we make our recommendation the Town Board is required to have a public hearing where the neighbors are notified of what's going on. So, if the neighbors have any objections or concerns they would have an opportunity to appear before the Town Board. Mrs. Murphy stated correct. Mr. Watts stated and then we could have a public informational meeting if we so choose. Mrs. Murphy stated the following: Correct. You usually do that on a bigger change or a first time through for making a recommendation. Typically, in the past on a small change like this you haven't done the public informational meeting but the Town Board has to do the public hearing to amend the local law. Mr. Higgins stated in this case it just happens that this building is going to be occupied by the applicant and the property owner. But, somewhere down the road this property with the building could be sold to a total separate company. So, the approval we're giving for this property at this point can be conveyed to someone else. So, it would not be tied to Falcon Trace or anything like that. Mrs. Murphy stated yes, it is separate.

Mr. Berkowitz made a motion to pass a Positive Recommendation to the Town Board for the Falcon Trace PDD Amendment. Mr. Ruchlicki seconded. Motion carried.

#### **11.078 NB      Stewart's Shop #127, 454 Route 146 – Concept-Commercial Site Plan**

Mr. Tom Lewis, of Stewart's Shop, stated the following: We are here tonight to ask for a recommendation for some setbacks. Just to go over the basics, currently this site is vastly too small and there isn't enough parking and the building isn't large enough. So, we were able to sign an agreement to purchase some additional land so we could make the building larger. We are proposing to remove an existing 2,305 SF Stewart's building and relocate a proposed 2,990 SF building to the western end of the site (on the new contracted land). The circulation would work infinitely better and the access would work much better. We are also proposing two new full access curb cuts onto Route 146 and one full access off of Plant Road near the "Y" intersection. In terms of the area variances, when I go the Zoning Board of Appeals (ZBA), I have to show them why it won't work. I have handed out plans to the Board that show the old plan and the new plan. I don't care which plan that we do but the new plan would require a variance for the canopy. So, I'm seeking some input from this Board on how to proceed. Mr. Watts stated for the canopy, would they still have to go to the ZBA? Mrs. Zepko stated yes. Mr. Watts stated the following: At this point what we had planned on doing was to just deny this until they got to the ZBA because of the front yard setback for Route 146 and the canopy. Now we would need to still deny it for the canopy. Mr. Lewis stated now there are much less variances. Mr. Watts stated we could deny it for that variance and that's all we were going to do in

terms of the presentation for tonight. Mr. Lewis stated yes, that's all I expected. Mr. Watts stated so we will deny if for the canopy and then once that goes before the ZBA and if the ZBA grants the variance, then you would come back before this Board and then we would be looking at the site plan. Mrs. Murphy asked Mr. Lewis if he was asking the Board which of these you want them to deny so you know what to apply for with the ZBA? Mr. Lewis stated the following: I think the newer one is the better plan. It seems to me that the new plan would work better. When I go before the ZBA they might ask if there is a different way you could lay this out to use less variances? I don't know any other way. Mr. Watts asked Mr. Bianchino if he had a chance to look at the old and new plan for this proposal. Mr. Bianchino stated yes. Mr. Lewis stated if this Board wants me to come back in another two weeks, I don't mind because there is no rush on this. Mrs. Zepko stated we would like some extra time to look at the setbacks and look at the new proposal. Mr. Watts stated we will be in contact with you relative to our review.

This item was tabled in order to review the new proposal showing the building meeting the required setbacks.

**11.080 NB      Wright Way Automotive, 1516 Crescent Road – Change of Tenant**

Mr. Ed Esposito, of Monarch Design, stated the following: We have a business that has been in use for 10 years with the same owner. It is located on less than an acre of land and in the back they have a pre-existing non-conforming use. In an effort to define what that is in the back of the site, there is a graphic that shows 7 parking spaces and the existing metal building. It is not a subdivision, it is just defining what it was and what it is now so the applicant can get on and operate his business. Mr. Watts asked are you here for a change of tenant application to operate an automotive repair shop? Mr. Esposito stated yes and a sign. Mr. Watts asked do we have a sign application? Mrs. Zepko stated no. Mr. Watts stated we have no sign application so we cannot act on the sign until you submit that application. Mr. Esposito stated okay. Mr. Watts stated so, tonight you are before the Board for a change of tenant application to operate an automotive repair facility. Mr. Esposito stated yes. Mr. Watts stated could you please let us know what you are going to do and what the hours of operation would be. Mr. Jason Wright, the applicant, stated the following: We would operate Monday through Friday from 8:00 am to 6:00 pm and closed in the evenings and on the weekends. I would be the only employee and I have a 2-bay garage. I would be doing minor repair work. A lot of my work is wholesale work so if I didn't get a sign, it wouldn't be a big deal. I have people who would take my waste oil and my scrap. Mr. Berkowitz asked would you have 2-bays? Mr. Wright stated yes, it would have 2-bays. Mr. Nadeau stated my question is regarding the pre-existing non-conforming setback and how long has it been like that? Mr. Williams stated the following: I think that years ago the owner re-fabricated an existing garage that was on a foundation and it was an accessory structure to a residential house that was on that lot. The owner agreed at that time that the garage would be used for private use only unless otherwise permitted by the Planning Board. The property itself is zoned C-1 Commercial. Mrs. Zepko stated there used to be a residential home on it. Mrs. Murphy stated that was what was non-conforming. Mrs. Zepko stated the reason why the garage does not meet the setbacks is because it was built as an accessory building to that residential home. Mr. Watts asked has the house been torn down? Mr. Wright stated yes. Mr. Watts stated the following: That was part of the confusion earlier of how the building permit got issued for the garage that got built for the house. The house is gone so that issue is history. Now we have the garage to put the automotive repair shop in. Mr. Wright stated hopefully, yes. Mr. Williams stated the site would now be in conformance for this use. Mr. Higgins asked is Morris Lane still a Town road or was it abandoned? Mrs. Zepko stated it is still a Town road. Mr. Higgins stated the following: Years ago when they came in for the office building at the end of the road there was discussion at that time about Morris Lane being abandoned.

Mrs. Murphy stated I don't recall Morris Lane ever being abandoned. Mr. Higgins stated I just want to make sure that he has access on a Town road before we approve it. Mrs. Zepko stated he could also access the garage off of Vischer-Ferry Road. Mr. Higgins asked where would the sign be placed because I'm curious on what he anticipates is going to be his major access point; Morris Lane or Vischer-Ferry? Mr. Wright stated the following: I come in from Vischer-Ferry Road. Just so you know, after we get our change of tenant approval, if we do want to have a sign, we are going to run a fence and that sign would be mounted to the fence and I wouldn't have that lighted. Mr. Higgins stated I was just curious on which way you felt would be the major access Morris Lane or Vischer-Ferry. Mr. Wright stated I have used Morris Lane but I do come through the car lot most of the time. Mr. Higgins stated okay because Morris Lane is a sub-standard type road and there are a bunch of residences there. Mr. Watts stated so you are going to be doing repair work mostly for cars from the auction. Mr. Wright stated yes, a lot of wholesale work. Mr. Higgins asked what if someone was driving down the road and said they want to get their car fixed, would they be able to do that? Mr. Wright stated I would be able to do that after I get my change of tenant approval and I apply for my registered repair license. Mr. Wright stated I already talked to the Department of Motor Vehicles (DMV) and they said that I would be guaranteed to get my license as long as I get my paperwork in that I was approved by this Board. Mr. Nadeau stated about 10 or 12 years ago the DMV wanted to eliminate backyard repair shops so they made it contingent upon local Towns giving each person proper approvals. Mr. Watts stated which makes sense. Mr. Higgins asked are you going to go for an inspection station or a used car sales? Mr. Wright stated no used car sales but maybe down the road I would like to try to get an inspection license but not right away. Mr. Nadeau stated if you receive a repair license from the DMV, you wouldn't have a problem getting an inspection license. Mr. Higgins stated I'm just thinking about the traffic. Mr. Wright stated I'm the only employee and there won't be multiple mechanics to cause a lot of traffic. Mr. Berkowitz asked would you be doing any bodywork? Mr. Wright stated no bodywork at all.

Mr. Nadeau made a motion to approve the change of tenant application for Wright Way Automotive. Mr. Higgins seconded. Motion carried.

**11.083 NB                      Find Your Dreams, Inc., 21 Corporate Drive – Change of Tenant**

Mr. Chad Pagan, of ABD Engineering & Surveying, stated the following: I'm here tonight for a change of tenant application for Find Your Dreams, Inc. at 21 Corporate Drive in the Abele Business Park. Find Your Dreams received an approval for a tenant change in March 2011 and at this time they would like to add an additional 3,500 SF of tenant space at this location. Their hours of operation would remain the same, which is 8:00 am to 7:00 pm Monday through Friday with occasional Saturday hours. Eventually they would be adding 15 more employees. Mr. Watts asked so it would be the same business and you would just be adding more employees and additional tenant space. Mr. Pagan stated that is correct. Mr. Watts asked if there would be adequate parking at the site with the additional employees and added tenant space. Mrs. Zepko stated yes. Mr. Watts asked so in other words, your business is doing well. Mr. Pagan stated apparently because they have 3 or 4 DBA's under the same name so I guess they are all doing well.

Mr. Higgins made a motion to approve the change of tenant application for Find Your Dreams, Inc. Mr. Berkowitz seconded. Motion carried.

**11.084 NB                    McBride Subdivision, 199 Farm to Market Road – Minor Subdivision**

Ms. Kathleen Geleta, the applicant, stated the following: I'm representing a subdivision of the Lands of William McBride and myself as trustee for Mona McBride. Our son would like to build a home and we would like to subdivide the land. Mr. Watts stated you would be creating a 3.66-acre parcel from an existing 108.3-acre farm parcel. Ms. Geleta stated that is correct. Mr. Watts stated the following: The applicant has provided wetland and septic information for the new parcel. All minimum lot requirements have been met according to our write-up. Ms. Geleta stated yes, that is correct. Mr. Higgins asked is this the first subdivision for this property? Ms. Geleta stated it is the forth subdivision. Mr. Higgins stated I was thinking of the Generic Environmental Impact Statement (GEIS) fees and I don't know whether they were appropriate for this or not. Mr. Williams stated a minor subdivision so GEIS fees do not apply. Mr. Higgins stated so this would be the last subdivision and if you have any future subdivision, we would require GEIS fees.

Mr. Ouimet made a motion to set a public hearing for the August 8, 2011 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

**11.085 NB                    New Country Porsche, 205 Route 146 – Addition to Site Plan & Sign**

Mr. Dan Tompkins, of the Environmental Design Partnership, stated the following: The Planning Department has confirmed that there is going to be an issue with this layout relative to the front yard. I had indicated that there would be some minor site changes when we came in from the previous application, which was a change of tenant. What they are proposing to do is to reconfigure the parking in the center space. There were 3 row of tandem parking and that works good down State in places where the parcels are very small but it's a nuisance to them. We are rotating things 90 degrees and we're also taking the remaining parking spaces and making them 10 FT wide. Another area is being reconfigured and it's going to be straight across and there is going to be 7 spaces and 2 of those spaces are going to be under a proposed canopy. The only other site change is going to be in an area where we have talked about how Porsche isn't going to utilize all of the parking. We expect that some of this area is going to be used for overflow parking for Toyota and Lexus. So, we are introducing an island to visually divide it. This will be customer and service parking for Porsche and it may be inventory or if demand picks up, it would be customer parking as well. The Porsche image program is a curvilinear building and they would like to see that in all of their buildings whether they exist or whether they're proposed from the ground up. They want a curved front. We advised them that that could be problematic but they said we had to propose it. The existing showroom front is a straight showroom. What they want to do is add a bow and extend the bow and create that canopy that we just talked about. The idea of the 2-car canopy is in lieu of a full-blown service write-up arrangement like we have across the street for Toyota where you physically drive-in to a space and you are greeted by a service advisor. This would allow a couple of people to come in out of the weather and then the service advisor would come out to them. There would be a new door off of the front and for the size of the facility that's acceptable. The bow front is problematic though because the front yard setback is 70 FT and that falls right along the wall as it is now. I think the wall is maybe a foot in. The bowed front would extend into the front yard setback. Mr. Watts asked do they want to go out at least an additional 3 FT? Mr. Tompkins stated the following: Some time ago I was in front of the Board for what we would call the portal feature for GMC that is now coming down and that required a variance also. This is going to come out a little closer to the road by a couple feet. You can see from the drawings that the overhang is more substantial. This is what they have requested and it's an extra 175 FT of floor area that would be created. That approach is being taken because structurally the way the showroom is setup is to push everything one way with the supporting columns that are there now and from a financial standpoint it is hard to justify. So, that's why they are looking at that. Everything else

is the same and the septic and water is the same. We are not proposing any changes with the curb cuts. Mr. Ruchlicki stated the following: I find it interesting that you want extend that and make that curved frontal portion of it and you're going to put 2 parking places underneath the roof so that those customers are out of the weather. But you shortchanged the handicap spot and put them in a position where the water is running off the roof. I suggest that you lengthen that and encompass that portion of that handicap spot or reverse them. Mr. Tompkins stated okay. Mr. Ruchlicki stated the following: I find that extremely irritating. If you look at the rendering, you have 2 people under the roof who are getting their car serviced but you have the handicap person; although he has a special spot, is the one that is out and exposed to the elements. Mr. Tompkins stated your point is well taken but we have to do what we are told to do sometimes and you go through the education process. Mr. Ruchlicki stated but is there anyway that you could extend that, even if it was to get only 90 percent of the car under there, I think that would be beneficial. Mr. Tompkins stated I will certainly relay your comment. Mr. Higgins stated you just mentioned Lexus and I don't recall Lexus being one of the car brands that you've been before us with previously. Mr. Tompkins stated on the previous narrative we named Lexus and you know that they are Toyota's and we need to store some cars over there and we want the ability to be able to do that. Mr. Higgins stated so it would be just storage and Lexus isn't going to be at this site. Mr. Tompkins stated no one is selling the Lexus's. Mr. Watts asked are you expanding the parking lot and the number of parking spaces? Mr. Tompkins stated no and the net number drops with the additional 10 FT wide spaces and the pavement would remain the same. Mr. Watts stated so you occasionally might use it to park the Lexus's there. Mr. Tompkins stated yes. Mr. Watts stated and if you started to sell Lexus's, you would let us know. Mr. Tompkins stated we would have to. Mr. Nadeau asked is that considered off site parking of taking the Lexus's cars and putting them on that lot? Mrs. Murphy stated she would look into that issue while the applicant proceeds through the ZBA and before they return to the Planning Board. Mr. Watts asked about the sign application. Mr. Tompkins stated that he appeared before the Board recently to get an approval for an interterm sign for the Porsche site. The interterm sign showed the Porsche sign and the New Country Sign. There is also an approval on the freestanding monument sign. The final sign application is showing on the building instead of "New Country" the Porsche Corporate Headquarters wants the sign to say "Clifton Park". This would also be on the already approved freestanding sign. Mr. Ouimet stated that Porsche Corporate wants to identify the point of sale as Clifton Park so if a car is sold then Porsche will bring their client across the Town line into Clifton Park to finalize their sale. Mr. Tompkins stated that the point of sale is not the exact location but identified as the region. Mr. Ouimet stated the Board should of known about this a couple of meetings ago when the change of tenant and interterm sign was approved. Mr. Tompkins stated that it was not known at that time and that is why we presented "New Country" on the interterm signage. Mr. Ouimet stated in Porsche Corporate wants the point of sale identified then it should say New Country Halfmoon. Mr. Watts stated that his point of view is that the New Country car dealerships have done very well here in the Town of Halfmoon for certain reasons and that he does not see allowing the applicant to place "Clifton Park" on the building. Mrs. Zepko stated that there are other reasons of alarm as placing "Clifton Park" on the building, more specifically 911 emergencies with the conflicting address. Mrs. Murphy stated that also identifying 'Clifton Park" on the building can cause confusion if someone broke down or needed an emergency response and reads " Clifton Park" on the sign. Mr. Nadeau stated that this site is about two miles away from the Town of Clifton Park and is almost in the middle of the Town of Halfmoon. This site is not across the street from the municipal boundaries.

Mr. Ouimet made a motion to deny the addition to site plan application on the basis that the proposed building façade change did not meet the minimum front yard setback requirement. Mr. Nadeau seconded. Motion carried.

Mr. Higgins made a motion to approve the "Porsche" portion of the proposed sign. Mr. Berkowitz seconded. Motion carried.

Mr. Higgins made a motion to deny the "Clifton Park" portion of the proposed sign due to safety reasons of possible confusion with emergency first responders. Mr. Berkowitz seconded. Motion carried.

**11.086 NB Hudson Valley Appraisers of Albany, 1426 Vischer Ferry Road – Change of Tenant**

Mr. Salvatore Falco, the applicant, stated the following: I wish to operate my appraiser business in the existing Steven Williams real estate office. Mr. Steve Williams will down size his office space and I will take over the majority of the office space. Mr. Ouimet asked if this is the third business in the building. Mr. Jeff Williams asked how many businesses will be operating out of the building? Mr. Jeff Williams stated at one time this Board approved a graphic designer and asked if he is still operating out of the site. Mr. Salvatore stated yes he will still utilize this site and he is the only employee. Mr. Salvatore stated that most of his work is performed in the field by his seven field representatives. These field personnel work from their homes and I and one other employee manage the paperwork from the proposed site. Mr. Watts asked if there would be adequate parking. Mr. Jeff Williams stated yes.

Mr. Ouimet made a motion to approve the change of tenant application for Hudson Valley Appraisers of Albany. Mr. Ruchlicki seconded. Motion carried.

**11.087 NB Empire State Chassis & Fabrication, Kennedy Lane Self-Storage – Change of Use**

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: They are here tonight for a change of use application for Building 10 in the Kennedy self-storage site from a self-storage use to an auto fabrication shop. The auto repair use is a permitted use in the Town's C-1 district. The required parking is 3 parking spaces per work bay plus one per employee. There are 6 work bays and three employees so the total parking required is 21 parking spaces. What we are proposing is to place three parking spaces in front of the building and landbank the other 18, as they will not be needed at this time. One of the provided parking spaces will be a handicap space. All of the cars being worked on will be done inside of the building and there is no outside storage of any kind. Mr. Watts stated that the applicant is to provide this Board and the Building Department a letter from a Certified Engineer that the Building 10 and this proposed use meets NYS Building Code. Mr. Higgins asked if this will be an NYS DMV licensed repair shop. Mr. Tanski, site owner, stated that it started out about 6 years ago as a storage unit with storage of a vintage car to be worked on. As time went on the applicant started to use more and more of the building as their work became more and more noticed. Mr. Oliver James, Empire State Chassis and Fabrication stated that our business did grow, as we became more and more known. We perform work on custom cars, special interest cars and classic cars and most of the alterations take a long time. We wish to become compliant with the Town of Halfmoon. Mr. Oliver stated there will be no car sales. We customize the cars for our clients; we search for parts and bring vintage cars back to life. We will be required to get a DMV repair shop sign but there will be no sales or inspections work done. Mr. Higgins stated that the Board approved a repair shop use on the last house in Kennedy Lane. Mr. Watts stated so you are here because DMV is requiring you to get Town approval but you should have come before this Board a long time ago. Mr. Tanski and Mr. Oliver stated that is correct. Mr. Higgins asked what about sanitary waste. Mr. Oliver stated all of their oil waste and metal waste is hauled off by a certified waste hauler. Mr. Higgins stated what about restrooms. Mr. Oliver stated that they use the Stewart's down the street. Mr.

Tanski stated we plan on putting one in. Mr. Watts asked how will the engineer sign off on the building without a restroom. Mr. Higgins asked what about water supply. Mr. Tanski stated that water can be brought in from Kennedy Lane and a septic system can be placed in the area, as there is plenty of room. Mr. Watts asked when would the restroom be placed. Mr. Tanski stated as soon as possible. Mr. Nadeau stated that this business has been here for six years. Mr. Tanski stated yes. Mr. Nadeau stated with all of the work you have done in the Town, it is a bit surprising that you have not been in front of this Board for this use. Mr. Higgins stated that he saw advertising on the business and thought it was the other repair shop in the area. Mr. Berkowitz asked if everything is brought up to code would this be a viable project in the zone. Mr. Williams stated yes. Mr. Ouimet stated that it appears it would be approved if the building is brought up to code. It was agreed with the Board.

Mr. Ouimet made a motion to approve the change of use application for Empire State Chassis & Fabrication (Kennedy Lane Self-Storage) contingent upon the building meeting the New York State Building code requirements and handicap parking. Mr. Nadeau seconded. Motion carried.

**11.088 NB                    Camber Court Subdivision, Lot #25 Camber Court – Major Subdivision**

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing the Fairways of Halfmoon, LLC for a proposed 2-lot subdivision of Lot #25 Camber Court in the Fairways of Halfmoon subdivision. We're proposing to subdivide Lot #25 Camber Court into 2-lots. Lot #25 Camber Court is an existing 1.25-acre parcel with a single-family home on it. The lot has a 100 FT New York State Electric & Gas (NYSEG) power line easement that is proposed to be removed as the line is to be relocated. We are proposing to split the lot along the edge of the easement so that Lot #25 would encompass the existing house that is under construction and then create a new lot on the remaining lot. It would be setup so that a building permit could not be acquired until all the physical electrical poles and whatnot are removed from the parcel and that the power line easement is extinguished. Mr. Berkowitz asked do you know when that would occur? Mr. Tanski stated the following: I have been working with NYSEG and the Railroad during the process of taking down all the telephone poles on the golf course and they are going to reroute those down Raylinsky Lane at the dead end and it's going to continue north on the new power line. We supposed to start clearing the land probably this winter or early spring. Mr. Higgins asked was this one of the lots on the original approval that there was some notes on some of the lots that they could not be subdivided? Mr. Tanski stated no, this is not one of those lots. Mr. Higgins stated because there was some bigger lots that specifically said that those lots could not be subdivided. Mr. Tanski stated they were the estate lots.

Mr. Ouimet made a motion to set a public hearing for the August 8, 2011 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

**Old Business:**

**08.067 OB                    Arlington Heights PDD – Phase II, Farm to Market Road – Major Subdivision/PDD/GEIS**

Mr. Mike McNamara, from the Environmental Design Partnership, stated the following: I'm here tonight representing Legacy Builders for Arlington Heights Phase II. Mr. Peter Belmonte, of Belmonte Builders, is also here with me tonight to answer any questions the Board might have. Since the Town Board approved the PDD, we have completed a map planner report for a water district extension to service the project. We have also completed the detailed plans and profiles for the subdivision itself and we have undergone a few iterations of comment response with the Town engineer. The project itself is 25 single-family building homes around a 1,900 FT loop road. We will be getting a 26<sup>th</sup> lot from re-organizing 2 of the lots in Phase I and combining that with the land that had been used for the

hammerhead turnaround for Saville Row previously. That land has been dedicated back from the Town to the developer. In addition to the loop road, we also have another right-of-way proposed that would connect the loop road to the property line to the east to facilitate a connection in that direction. But, currently there aren't any plans to do that, however it would be easy to do in the future. To the west end of the project there is a 14-acre parcel of land in the rear that constitutes about roughly 50% of the project area. That's going to be conveyed to the Homeowner's Association (HOA) for openspace and it does include a couple areas for some passive lawn recreation such as Frisbee, wiffle ball and things like that. Phase II would have the same streetscape as the first phase that was construction via a 28 FT wide travel way with concrete curbs, a 4 FT grass strip and a 5 FT sidewalk on both sides of the road. We are going to space streetlights in that grass strip evenly around the road. We are also proposing to plant one to two trees per lot out of the right-of-way and onto the private lot. Incidentally, the right-of-way is also the same arrangement as the first phase. It is a 44 FT right-of-way with 8 FT concentric easements on both sides for a total of 60 FT. Sanitary sewer and water area already approximately in the area of this intersection and they are simply going to be extended around the loop. Likewise with the stormwater management, there is already a basin and we will be enlarging that a little bit to handle the extra flow. This project has been designed in accordance with the new stormwater regulations; we have green infrastructure, rain gardens, dry swale and rooftop disconnect, which were put into the narrative. In the last week we had one addition to the plan that is showing a 4 FT berm with 6 FT Austrian Pines on top of it. There is an existing home in Phase I, which is the part that is labeled as "Fred & Maureen Heaton" and there is about a 75 FT gap at that point in the existing vegetation so we're adding a berm and the plantings to supplement that. Mr. Nadeau stated in the HOA area were you going to change it a little bit different from the previously one? Mr. Peter Belmonte, of Legacy Builders, asked are you referring to the 14-acres? Mr. Nadeau stated yes. Mr. Belmonte stated the following: Regarding the 14-acres that you are referring to; all along we have been talking with homeowner's on what their interest is. It seems to be at this point in time, and it's pretty much concluded, that they just want to have a passive recreation area to do what they want. We are going to do some grading to level it out so that it is a little bit more useable, but beyond that there was no desire for structures because they didn't want to take on a tax burden and the maintenance of it. They can use the area for picnics and an open area for play. Mr. Nadeau stated okay, because I know you said the other one you did in Phase I didn't seem to work right. Mr. Belmonte stated correct. Mr. Watts asked Mrs. Murphy if that required any activity in the PDD? Mrs. Murphy stated no, but the only question that I had is whether or not you are in an existing water district or do we need to do an extension? Mr. McNamara stated no, we're not in the existing water district and we have submitted an extension as well. Mr. Ruchlicki stated when you go from Phase I into Phase II, we're not going to see hardly any change; it's going to look basically the same; correct? Mr. Belmonte stated it is the same neighborhood and we're just expanding it. Mr. Ruchlicki stated I think Phase I is really nice with the way it is laid out and I expect that it's going to be the same. Mr. Higgins asked are the building designs, the sizes of the houses and everything all going to be consistent? Mr. Belmonte stated the following: Yes, Phase I has homes ranging anywhere from 1,500 to 2,600 SF and we're going to continue that same theme here. We're constantly introducing new product type based on what the market is demanding but many of the same homes would be built in that phase. Mr. Higgins asked didn't we talk about another connecting road into Klersy's? Mr. Bianchino stated he has a stub street. Mr. Higgins stated that's over at Tribley's and I'm talking about up into Klersy's on the top. Mr. Belmonte stated there was no way to traverse this area due to all of the extensive wetlands so it was relocated. Mr. Higgins stated okay.

Mr. Higgins made a motion to set a public hearing for the August 8, 2011 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

**09.024 OB                    Halfmoon Village & Yacht Club, 2 Beach Road – Multi-Family PDD**

Mr. John Montagne, of Chazen Companies, stated the following: I am here representing Mrs. Gail Krause, of Halfmoon Beach Properties. This is a continuation of a discussion that we started about a month ago and we are back before the Planning Board to go through any comments or questions that you may have. We are looking for the Planning Board to make a recommendation back to the Town Board on the PDD application. At the last meeting that we had there was some additional information that you asked us to pull together and forward to you, which we have pulled together that information and I'm prepared to discuss any of that and I have brought a couple of other figures here tonight just to help clarify that. We have some larger figures if you want to see some of the elevations for the buildings and we have the same site plan as before. It is also my understanding from our last meeting that there were some additional comments that you would like to pass along for us to take a look at. So, we are interested in hearing what those might be this evening and we are also open to answer questions. Is there anything in particular that you would like me to go through based on our discussion that we started at the last meeting? Mr. Berkowitz stated let's go over some of the new discussions that we asked for with the new information. Mr. Montagne stated the following: At the last meeting the Board had indicated that there would be new information that you were going to request but the only thing that you had requested from us was some backup information that had been done on the Final Environmental Impact Statement (FEIS). We gave you the traffic study and I can probably start there. On the traffic study the question was "what is the impact of the project on the local road network"? I think you'll find that the easiest way to answer that is that if you take a look at the no-build conditions for this project; just what happens in the roadway network around the area with or without this project in the future and then you add the project traffic projections, there is no change to the level of service within the areas. That was all evaluated as part of the impact statement traffic study that was appended to the FEIS. That was reviewed extensively by the Town's engineer and those conclusions then were reported in that traffic study. Mr. Berkowitz stated the following: Where would the best-rated intersection be and what level is it? What's the highest rated intersection and what's the lowest rated intersection there? Mr. Montagne stated the following: You have existing intersections that are coming off of the highway that are already in a level of service with a "F" level of service. Those are the ones that are not regulated by a traffic signal. Mr. Berkowitz asked can you get any lower than an "F"? Mr. Montagne stated no you cannot. Mr. Berkowitz stated so you really can't determine how this project would affect those intersections. Mr. Montagne stated well you could identify whether based on existing conditions and future conditions with or without the project whether the project makes any substantial change to those levels and that's what was evaluated and no, there is no substantial change to those levels of service. Mr. Berkowitz stated so you are going to have a failure at that intersection with or without your project. Mr. Montagne stated the following: What I should probably say is that those intersections right now are stop signed intersections. They are intersections that if you come up to the main road, which is coming off of the highway as a continuous flow, there are no restriction on that for that traffic. If you're coming up one of the side streets and you sit at the stop sign, that's where you currently have a stack up of cars and we are not changing that. Mr. Berkowitz stated the following: I understand that you're not changing it but you're contributing to more of a failure to the intersection. If you have more cars going to an intersection that fails, you're contributing to the worsening of an intersection that is already in failure. Mr. Montagne stated the following: The only intersections that that situation would be involved with are ones that are currently being looked at for other projects that we are aware of. Those other projects do have proposals in place to put in a traffic signal and/or other modifications based on the New York State Department of Transportation (NYSDOT) review. Our discussions with the NYSDOT have identified that they are not looking for this project to change anything because the level of increased traffic that we generate there is very small compared to other projects in the area and/or the

background traffic that will happen automatically in the area. The one thing that we identified in the FEIS is that at the point in time where our project comes in, if those other projects have not done anything, we would be willing to contribute to that intersection improvement and that was in the FEIS findings and we are still committed to that. That is something we could discuss further as we get into site plan review with this Board and we get into the fine-tuning of what this application would be as part of the site plan review. All we are looking for right now is the ability to go back to the Town Board for a legislative change that would allow us then to come back to this Board for site plan review. Mr. Berkowitz stated that doesn't make sense. Mr. Nadeau stated I think what Mr. Montagne is saying is basically the level of service is a failure or an "F" and what they do will not improve it; it would just make it worse. Mr. Montagne stated I can't really say that because that's not how the NYSDOT looks at it when they give an analysis. Mr. Nadeau stated correct, but as we hear it or as we look at the numbers, we know it is a level "F" intersection and realistically nothing makes it better. Mr. Montagne stated well I guess what we probably should do is to just put that as one of the items that you would like us to get additional information to you from; we could bring our traffic engineer in, we could work with Mr. Bianchino's office again on going through that and we can show what we're doing really does not change it either with or without the project. Mr. Berkowitz asked are you offering to add any road improvements? Mr. Montagne stated the following: The road improvements that we have identified that we would work on are the ones in the immediate area of our project where we do affect that. The intersections that we are talking about here are ones where our project and its background increases are really not that significant compared to other projects that have been proposed in the Town. Mr. Andy Rymph, of Chazen Companies, stated the following: The intersection that's the level "F" is the Dunbach/Crescent-Vischer Ferry intersection. Mr. Berkowitz asked has our Board looked at the Dunsbach Road project yet? Mrs. Zepko stated no. Mr. Berkowitz asked so how do we know that? Mr. Rymph stated the following: It has been written in the Town documentation on the Town Board side and I don't know if you have received that information. It's part of the findings that says that other projects in that area are looking at it. Mr. Berkowitz stated but it has never been presented to this Board. Mr. Rymph stated it was discussed at the joint public hearing. Mr. Berkowitz asked how long ago was that? Mr. Montagne stated it was at the joint public hearing for this project a year ago. Mr. Higgins stated you just mentioned about some additional information; are you at this point willing to extend the 62-day time period that will expire before this Board meets the next time? Mr. Montagne stated my client has said that she can't really make a decision on that tonight and I will have to leave that up to her determination. Mr. Higgins stated the following: Well that means that this Board has to make a recommendation tonight because our obligation is to act before that 62-day time period. So that means that we have to make a recommendation back to the Town Board this evening if you are not willing to extend that. Mr. Montagne stated based on that, my client would like to make the recommendation to the Board to extend that and can you give us an idea on how much you would like that to be? I take that back, she has said no and that she would rather have you just make your recommendation to the Town Board tonight so that she knows where she stands. Mr. Ouimet stated just to be clear, what exactly are you asking us to recommend to the Town Board? Mr. Montagne stated the Town Board has requested, as it's required to, that the Planning Board review the PDD application and make a determination back whether you are supporting the application as it's proposed or not. Obviously, we would love to have you support the application, which is just to allow the Town Board to write-up it's PDD language as requested in the PDD application. Mr. Ouimet stated so we are all clear and we know what we are talking about, are you asking that we make a recommendation based on the 244-unit proposal? Mr. Montagne stated the way that the application is written is 10-units per acre on 22.3-acres. Mr. Ouimet asked is that your Phase I and II? Mr. Montagne stated no, that is all 3 phases, which is 223-units based on 10 with the provision that if the applicant purchases up to 21 additional acres of Transfer of Development Rights (TDR) in the future, they would be allowed

to go up to a maximum of 244. Mr. Ouimet asked are you anywhere with the identification of those TDR's? Mr. Montagne stated we are in the process of that, yes. We have met with some landowners to talk about it, we have had significant conversations with Saratoga PLAN who would be the openspace preservation side of things and yes, we have quite a bit of traction that we're working on. Mr. Ouimet stated basically you told us the same thing 2 meetings ago, correct? Mr. Montagne stated the following: Yes, a month ago. Since we were with you the last time, we did meet with the landowner, we did make a verbal offering to them with Saratoga PLAN and it will take some time to get that. Mr. Ouimet asked are you prepared tonight to make a presentation to this Board as to what the TDR will be on what you are proposing? Mr. Montagne stated the following: The TDR program that the Town Board would have to put together is something that the Town Board will have to take the lead on and that's something in their openspace plan. So, whether or not that takes place in the future will really be up to the Town Board. Mr. Ouimet stated so, I don't see how we could make a recommendation one way or another on 244-units, which are contingent on a TDR, correct? Mr. Montagne stated the following: As it is written in the application, we are asking for 223-units, which is 10-units per acre and then the PDD language would just have a provision in there that sometime in the future if the additional land transfers could be set up, the applicant could come back in and ask for the additional 21-units. That's all that is being requested. Mr. Ouimet stated but you haven't given us any information that we could make a recommendation one way or another on the TDR. Mrs. Murphy stated the following: I think what his point is that without knowing where you are talking about, it's difficult for them to assess whether it's beneficial or not beneficial as far as the recommendation goes to the Town Board. Not the mechanism, the area. Mr. Montagne stated I can talk about the area and I could give you more information on that. Mr. Ouimet stated the following: Let me clarify as to why I'm asking; basically you're forcing us to make a recommendation one way or another tonight. All I'm trying to do is to make sure we know everything that you have to tell us tonight so we can make our recommendation based on your presentation. That's what I'm trying to figure out. Mr. Montagne stated I would be happy to expand on the openspace and what we are looking for on the TDR and what the ideas are behind that if you would like me to. Mr. Ouimet stated sure go ahead. Mr. Montagne stated the following: The way that we worked with the landowners and the Town right now is that we went back to the Town's openspace plan that CHA was the author on with both the Town Board and the Planning Board. We looked at all the key areas that were being identified for openspace preservation protection. We did a Generic Environmental Impact Statement (GEIS), we used GIS mapping to go through to look at each one of them, similar to what was done with the openspace plan and we identified 15 or so property owners that we would target and reach out to. We sent 2 sets of letters to those landowners. We had response back from 2 that we have been working with. In both cases, after we had some initial desire by those landowners to at least have us look at it, we contacted Saratoga PLAN and worked with the Director Maria to identify with her Board whether or not they would have an interest in holding a conservation easement on it. We then went through and did a schematic layout on those properties to see how many units based on the Town's codes definition of what buildable land is, to try to identify a generic level of lots that might be buildable there. Obviously, we're looking for in excess of the 21 that we need so that if there was anything done, Saratoga PLAN and the Town itself would have some opportunities to look at that more. We did 2 of those concepts, we've met with one of those landowners and the other landowner has been presented the information and has not gotten back to us. As I said, within the past 2 weeks, we met with the one landowner, which is in one of the prime areas, and he's identified that not only is he interested but he has an adjacent property owner that is also interested in the whole concept, which is something that Saratoga PLAN is actually looking for and I think also benefits the Town for its openspace plan to try to get a cluster of areas of farms that really do want to have more land combined that gives you a better preservation of openspace. Right now a verbal offering has been made both with Saratoga PLAN

present and ourselves on what an initial concept would be. There is an appraisal that has been done on the one parcel by an independent appraiser and we are waiting now for some feedback both from Saratoga PLAN and from that landowner to see if they are interested in taking the concept further. So, there has been significant legwork that has been done on that and there is actually some real interest in the Town. Obviously, our goal here is to find land that advances the openspace plan for the Town because that's the area I think that at least the Town Board has indicated that they're most interested in trying to preserve and therefore the area that they would be interested in pursuing the TDR process with us further. Mr. Nadeau stated on the TDR legislation or law; how do we act on this project, as I understand that the Town does not have this TDR law in effect currently, is that correct? Mrs. Murphy stated that is correct. Mr. Nadeau asked so how do we act on this project using those criteria to determine if this project works? Mrs. Murphy stated the following: Basically, what you would be doing is saying "without the TDR, do you think it's acceptable as one part of it" and then saying "if the Town were to agree that a TDR is acceptable", then we're okay with that occurring here. So, if the Town Board never enacted a TDR legislation, didn't go through all the State Environmental Quality Review Act (SEQRA) steps necessary, the identification of appropriate property, the designation on a map filed with the State as to what pieces are proper to have vacant and what pieces are proper to be more dense, then they couldn't go to that increased density. Mr. Nadeau stated the following: I like this project, although I do feel there are issues with it, and what I see with this TDR is that it's a way of getting more units here on a site that would have trouble accommodating what's currently proposed there. I would hate to see a precedent set that developer's come in and offer us this other area only to get a current project going. Mr. Ouimet stated the following: I agree with Mr. Nadeau and I also like this concept. What I don't like about it and something that we have consistently said since day one when the project was first presented to this Board is the size – the density. The 244-units notwithstanding, I just want to look at it from the standpoint of 223-units, which is 10-units per acre, which is the maximum of anything that has ever been approved or even contemplated to be approved by a Planned Development District (PDD) in this Town. I'm not so sure and I think I have consistently said this, that this site can hold that kind of density. I think we've asked you to look at the density from day one and we said 10-units per acre is too much; look at a smaller amount. Five story buildings with four living stories over a parking garage, all these units with one access road dumping on to substandard Town roads irrespective of the Dunsbach/Vischer-Ferry problem. We know that's not going to go away. We asked you to look at that, you've given us the traffic study that basically says everything is going to be the same as it is now. It doesn't really help me; the roads are still substandard and you're still putting 100 cars at 100 trips per peak hour on substandard roads. I'm not so sure that this site can hold 223-units. In addition to density and traffic, I think there are real issues with the public benefit. You're talking about a Town Park not until Phase II, which is 3 to 5 years. I think that was our discussion at the last meeting. Mr. Montagne stated I have some additional information to show you how that park gets built during the Phases. Mr. Ouimet stated the following: And I would like to see that but I think the Town Park is a small benefit. I think you're still using substandard roads. The road improvements that you're proposing are solely to alleviate flooding issues. It is a very short distance to facilitate access for ingress and egress from your site. I just don't think the public benefit is there but that's for the Town Board to decide and not for me. I think you're proposing too dense a configuration for this site. That's just my opinion and I'm just one vote on this Board. I just wanted to put that out again and I have been saying this for 2 years. Mr. Higgins stated the following: I agree with Mr. Ouimet and I have consistently said from day one that I have serious concerns about traffic and safety on the substandard Town roads. I know you're talking about hopefully empty nesters and retired people but there is no guarantee that that is the cross section of people that are going to end up living there. Even the older retirees still end up traveling as much if not more than some of the people that are working. So, I agree with Mr. Nadeau and Mr. Ouimet 100

percent that I feel that the density is way more than what the area can support and safely manage. I also agree with Mr. Ouimet regarding the public benefit and again that is something the Town Board has to approve. But it just seems like if that what the public benefit is going to be, then it should be much earlier in the construction so that we're not looking for something way down the road that possibly never comes through. I know there are sewer pump stations and sewer improvements that you are taking care of and is the present 8-inch water main sufficient for the area plus for this facility? I'm assuming that CHA has looked at that. Mr. Nadeau stated I have brought this up before; should this project go forward and the bonding, should for whatever reason, not be able to be completed, where does this leave the Town with a project that is half built and where do we go with that? Mrs. Murphy stated one of the options that has been suggested is to require the applicant to bond a sufficient amount of money to be available to return the area to its pre-existing state should something happen with regards to this. Mr. Nadeau asked would that be in the PDD legislation? Mrs. Murphy stated nothing is in the PDD legislation now, but if this Board recommends that to the Town Board, then the Town Board can act on that when they go forward with the PDD legislation. Mr. Montagne stated the following: I would like to go through how the park itself gets built so you understand why things have to happen in Phase II. The plan shows the overall phasing areas and the area in the peach is Phase I. I'm going to show how during Phase I that the rest of the site is staged and how it gets used. During Phase I one of the things that happens is we have the initial dredging on the river. The dredging material itself is pumped through an auger head and it gets pumped up onto the site. There are staging lagoons that the New York State Department of Environmental Conservation (NYSDEC) and the Army Corp. of Engineers (ACOE) are reviewing where the water that comes up gets dewatered. Once that material dewatered, it has to be moved and stockpiled onto the site for use. So, it would be moved into several areas. One area we need to stay away from because that area is where we had the archeological find and that is an offsite area and we need to leave another area open because that is where the construction would take place. We also need to have a secondary means of access into the site for construction. So, one of the first things that we'll be doing where the Town Park will be located is we'll be creating a construction entrance and we'll be starting to build the main access road that comes into the park itself and that will give us access to the backside of the site. So, on this side of the site where we are going to be bringing in material that is used from the dredging operation on this site, that road would be used to bring in construction materials for construction of buildings 1 & 3 and the community center. The other thing that would be built at this time, because we are doing the dredging, is the dredging where the canoe and kayak launch is for the Town Park. So, we would have all that dredging material taken care of in the very first phase of the project. So, for at least the first year, during the dredging operation a good portion of the site is used for that activity. The main access that comes into the park itself gets constructed at the beginning for a construction access into the property. You would have the main clearing, all the site grading and you start to have stock piling of material that we use for landscaping berms that happen in the second phase of the project. As soon as these buildings are constructed, we then get into Phase II. You'll notice that this area is now where the public park is and these areas now get re-graded to their final area. These are the landscaped areas and the lawn areas for the park and they get finished. In addition to that, the observation pier and the fishing pier get constructed as part of Phase II. Now, that road is no longer needed for access because these buildings are done. All accesses that come into this site are through this portion and so the disturbance now comes to the other side of the site. The main reason for that is that residents that are in Phase I are not impacted by construction vehicles coming in and out because they now go to the other side. All of the dewatering and all the dredging is in Phase I. So, early on in Phase II, all we have to finish is the construction of the parking area, the parking lot itself and the landscape berms. Once those are done, if the Town wishes to take ownership of the park at that time, it could be conveyed to the Town at any time. Typically in a subdivision

project a lot of times the final improvements, the roads and things like that are all accepted at one time. If the Town wants to accept the park at that time, we'd be more than happy to donate it to the Town. Mr. Watts asked how many units are in Phase I? Mr. Montagne stated Phase I is 100-units. Mr. Watts asked how many units are in Phase II? Mr. Montagne stated Phase II is 97-units. Mr. Watts asked when in this scenario would this park be dedicated to the Town and usable for the public? Mr. Montagne stated the following: Early on in Phase II when we are switching over from construction on Phase I into Phase II and the only thing that we will have left to do on that park is to do the landscaped berms, the plantings, finish the parking lot and resurface the access road. So, all of that could happen in the first months of Phase II. There is no problem with that, it's just that we need that area for staging to build Phase I. Mr. Berkowitz asked so if and when you get an approval, how long would it take Phase I to be finished and when would you get into Phase II? Mr. Montagne stated the following: It really depends on what the economy does and how quickly you can sell out 100-units. My client has had a list for a very long time now of people interested in moving here. If the economy does well by the time we get to this, which would be a few years from now before we get into construction, I would think of the units themselves to the point where they would be for sale, we would hope that we are at a point where the sales would go fairly quickly for Phase I. Mrs. Gail Krause, the applicant, stated I have over 200 people on a waiting list for this Phase. Mr. Berkowitz asked what is the projected buildout of it? Mr. Montagne stated with a good builder, Phase I could be built out in a 2-year period if there are tenants that want to be in it. Mr. Berkowitz asked what about without a good builder? Mr. Montagne stated well, we are going to have a good builder. Mr. Berkowitz asked why did you say "if we have a good builder"? Mr. Montagne stated the following: Let me put it this way; a good contractor & good site contractors are who we would be hiring to do this because we don't have to go for a public bid and we can hire who we want to do it. We will do a good job and build it as per our requirement. Mrs. Murphy asked does those 2 years include the dredging? Mr. Montagne stated yes, that would be the goal. Mr. Higgins stated so what you are saying as I understand it, once you have Phase I done and you're into Phase II, you're not using that area any longer as a storage for dredged material or anything else and the other road would be done. Mr. Montagne stated correct. Mr. Higgins asked would you be willing to discuss maybe 10 Certificates of Occupancy (C.O.'s) in Phase II and at that point the Town Park has to be turned over. Mrs. Murphy stated you mean building permits not C.O.'s. Mr. Higgins stated well I was giving them the benefit of the doubt of being able to at least sell the first 10 units in Phase II. Mr. Williams stated I believe it is each building, not each individual unit. Mr. Higgins stated well, I was just throwing out an idea. Mr. Montagne stated the following: I don't see that being an issue. As I said to you, the main infrastructure work that we're going to be doing, we have to do just to start building Phase I anyway. That's designing the road and laying the road in and doing all the sub-base material for that and doing our grading and then the dredging for where the canoe and kayak launch will be. What you're looking at then is restoration and stabilization of that area as part of Phase I. If you want to consider that to be part of the closeout on Phase I with a provision that when you pull the building permit for Phase II, you would need to have that completed. I don't see that really being an issue because the cost for that restoration work for the landscaping in the grand scheme of things is really fairly small. It's more of just an incentive for you to say to us "get this done and get it ready so that the community can use it". Mr. Berkowitz asked have you showed this plan to the Shenendehowa School District at all? Mr. Montagne stated the following: We have had meetings with the Shenendehowa School District to go through everything. We went through all of the different studies with them and yes, we did do that early on in the SEQRA process that was required as part of the FEIS and the Draft Environmental Impact Statement (DEIS). Mr. Berkowitz asked did you include Shenendehowa's Transportation Department because you will have school buses going in and out of there? Mrs. Krause stated just so you know, not one person on my list has a child. Mr. Berkowitz stated that doesn't make a difference

because even in your own projections, you had 40 to 60 kids. Mr. Montagne stated yes, we had to include those in there. Mr. Berkowitz stated that is the reason why I asked that question. Mr. Montagne stated the following: We would be more than happy to go back and ask them to take a look at that. I can tell you that the geometry that is laid out in here is large enough for us to move vehicles and tractor-trailer trucks in if you have to. For the geometry to meet fire truck requirements for the largest truck that the fire department has and if the largest vehicle in the fire department can make it, we believe that we would have no problem with the school buses. We would be more than happy to run that by Shenendehowa and also show you bus turning movement on this plan when we come back in for site plan or even now. Mr. Berkowitz stated because there will be kids in there no matter who is on your list. Mr. Montagne stated I can tell you just from the geometry as it has been laid out right now, our travel lanes are 20 FT wide travel lanes and we have medians in the middle and they are all designed to meet Town radii for all the plow trucks or anything else as well as fire equipment and we have gone through all of this with the fire department. So, I can't imagine that we would have an issue with a school bus. Mr. Nadeau asked would this Board be able to make a recommendation based on a lesser amount or is it strictly a yes or a no? Mrs. Murphy stated the following: You can definitely make a recommendation with suggestions as to what you think is appropriate. So, yes you could put conditions upon your recommendation. Mr. Watts stated the following: I think just about everybody has spoken to one degree or another. I really echo the statements that have been made by the other Planning Board members. I see the density as an issue. I see the comments that were made relative to a lack of commitment to traffic improvements that we've seen in other projects for improvements at these failed intersections. As with any of these traffic studies that are done, they tend to be written for the benefit of the applicant rather than with the sense of impartiality. So, we understand that and we have said that publicly to the various companies involved in doing that and we understand that this is all part of what goes on but that's why we have Planning Boards and render opinions and decisions and Town Boards also. So, I would suggest more give and take relative to traffic improvements. I also see with the park a rather small sized park for the Town on a riverfront and I would have liked to have seen more access for our Town residents who seem to be enjoying the river in various places. I would have liked to see a bit more there. All these things we've asked for before. I understand that the mitigations are driven by cost factors so that's the nature of the beast that we have here and that's the nature of the decision process that Planning Boards and Town Boards make. Were there less infrastructure costs for sewer lines? I would imagine there would be. But then again we have to consider all of the Town residents when any project comes in. Be it a change of tenant at a business or a new commercial enterprise going up on Route 9. We follow the same thought process in anything. It's considered, it's measured, it's thought out and our decisions are made based on that. We also understand the other side and we understand that pretty well in the Town of Halfmoon because we have one of the best growth rates in the entire region and we issued the most C.O.'s and building permits in 2010. So, it's not that this is an anti-growth Planning Board or anti-growth Town Board or one that just says, "go ahead and open the floodgates either". The Town has worked very hard to expand the riverfront uses and I think we've done a pretty good job and this is another use of the riverfront. But like I said, I would of liked to see more in the way of that park and we did ask for that on various occasions. Also, we have the density issues that everybody has talked about. There's that balance in there and I think it would be a balance for the people moving in there. More or less, some people want more and some people want less. But as everybody has said it's a good project but it's just a matter of what do we as a Planning Board think in terms of safety, health issues and density. This is something to consider with this rigid adherence to the time of the 62-day thing and I might have a somewhat different opinion of when the clock started running but that's okay because we can deal with that. You've made your decision as to whether or not you wanted to extend that once we started asking our questions. Mr. Ruchlicki stated the following: I think everybody has covered my

concerns and I don't want to belabor the issue of the density. I think we all share that opinion. I like the project and I think it's going to be something that we really want in the community but the roads are definitely an issue and that one intersection bothers me. Like I said, I can talk on for another 20 minutes but everybody has pretty much covered everything that I could think of even adding to it. I'm glad that you went over the phasing part of it because I sort of didn't understand why we were going to have to wait for the park to come in when it did. I would like to see the densities lowered and I know you would like to have the density where you want it. However, it's a concern because that is a lot of people to put in an area like that especially on that particular road.

Mr. Ouimet made a motion to pass a Positive Recommendation to the Town Board with the following conditions: A maximum density of 7-units per buildable acre, that additional area road improvements be considered, that additional Public Benefits be considered and that the proposed Town Park is completed and is dedicated to the Town at the completion of Phase I and prior to the issuance of the first building permit for Phase II of the Project and a restoration bond is established to protect the Town if the project fails. Mr. Nadeau seconded. Motion carried.

Mr. Nadeau made a motion to adjourn the July 25, 2011 Planning Board Meeting at 9:11 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary