

Town of Halfmoon Planning Board
Meeting Minutes – February 10, 2014

Those present at the February 10, 2014 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Roberts opened the February 10, 2014 Planning Board Meeting at 7:01pm. Mr. Roberts asked the Planning Board Members if they had reviewed the January 13, 2014 Planning Board Minutes. Mr. Ruchlicki made a motion to approve the January 13, 2014 Planning Board Minutes. Mr. Higgins seconded. All-Aye. Motion carried. Mr. Roberts asked the Planning Board Members if they had reviewed the January 27, 2014 Planning Board Minutes. Mr. Partlow made a motion to approve the January 27, 2014 Planning Board Minutes. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Due to a malfunction with the recording equipment, the Millsop/Poe Subdivision meeting minutes were not recorded. Therefore, the Planning Staff exclusively transcribed the meeting minutes from their handwritten notes and topics.

New Business:

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

Mr. Peter Reilly, representative for the applicant, explained the project to the Board. Mr. Reilly stated that the project involves a minor subdivision which will transfer a small .25 acre piece from 355 Farm to Market Road owned by the Millsop's to 182 Anthony Road owned by the Poe's. 355 Farm to Market Road is currently 1.25 acres, and is split between two lots, 1 acre on the north side of Farm to Market, and the remaining 0.25 acres on the south side of Farm to Market and north of Anthony Road. This request will convey 0.25 acres from 355 Farm to Market Road to the lands of 182 Anthony Road. The lands of Poe are currently 2.27 acres, and with the addition of the 0.25 acres will be 2.52 acres and the Millsop's would be reduced from 1.25 acres to 1.00 acre. Mr. Reilly stated that the Planning staff made him aware that questions have come up regarding "why" this transfer is being done. He stated that the Poe's had sold this .25 acre piece to the Millsop's as part

of the original sale of the 1.25 acres and the Millsop's simply do not want the small .25 acre piece. The Poe's have agreed to take this back from the Millsop's. Board members asked Mr. Reilly if he and his clients are aware that they cannot construct on this small .25 acre piece. Mr. Reilly indicated that they are aware due to setbacks and size and have no intention of trying to do so and it would remain forever wild. Mr. Nadeau stated just to verify; it's a non-buildable lot.

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

14.015 NB Wal-Mart (Outdoor Season Sales), 1549 Route 9 – Change of Use

Mr. David Dessis-Dinneen, representative for Wal-Mart, stated the following: I'm representing the Wal-Mart that is located at 1549 Route 9. I'm here tonight to propose our outdoor seasonal sales, which requires us to come before the Board every year. Mr. Higgins asked are there any outstanding code violations at Wal-Mart that we are aware of? Mr. Harris stated the following: There are none. I spoke to a Code Enforcement Officer late this afternoon and I also went to do a site visit because there were a couple of things that they had noticed last week and I think they reached out to your corporate contact and Mr. Marlow talk to you on and items have been cleared up since then, which involved plowing the emergency access and storage of certain tanks in the rear on the east side of the building and as of 3:30pm today, they were resolved. Mr. Higgins stated on the backside of the building and also in the front of the building; if there are any dead trees there, there is a requirement that they be replaced in the Spring, in kind, and also another stipulation has been Spring clean-up just to make sure that the areas stay presentable. Mr. Dessis-Dinneen stated yes, I am aware that we did have a tree removable last year at the Board's request and obviously we are open to anything that the Board has for us. Mrs. Murphy stated the following: It is an addition to trees and not for the removable of trees. So, it would be a replacement of the dead trees. Mr. Dessis-Dinneen stated yes. Mr. Roberts stated did we have an issue about one in the front? Mr. Higgins stated the following: Yes, one of the Board members, who is not here tonight, wanted the Board to raise the concern that it appears that there are some trees along Route 9 had been demolished as a result of snow plowing. I couldn't really confirm that today due to some of the snowbanks being pretty high. So, I don't know if there is anything that might be in there, but our Board member was concerned that some of the trees may have been accidentally taken down. So, she wanted the Board to raise that issue that any trees that are required as part of the site plan be replanted or restored when the weather improves. Mr. Dessis-Dinneen stated absolutely and obviously once we have better vision or knowledge of those trees we can certainly address that.

Mr. Nadeau made a motion to approve the change in use application for Wal-Mart outdoor seasonal sales conditioned on all dead trees and vegetation be replaced according to the approved site plan and the outdoor seasonal sales are effective from March 24, 2014 through September 1, 2014. Mr. Higgins seconded. All-Aye. Motion carried.

14.017 NB Inglewood PDD, Inglewood Drive – Sign

Mr. Gary Bordeaux from Bordeaux Builders stated the following: I'm here tonight to propose an entrance sign for the Inglewood PDD. It would have a hardscape wall; we're 13.8 FT off of the right-of-way and on one side it is slightly angled. Our closest point off of the right-of-way is 3.2 FT. We have done a sight visual clearance on traffic and it is well within our means of sight visibility. Mr. Roberts asked Mr. Bordeaux what the dimensions of the sign would be. Mr. Bordeaux stated the dimensions of the sign are shown on the plan and they are 1 FT wide, 17.5 FT long, there are two

square columns that are 2 FT x 2 FT and they are 5.8 FT high and the knee wall on the bottom that the sign sits above is 2.3 FT high. Mr. Roberts stated I have checked the sign and it meet the code.

Mr. Nadeau made a motion to approve the sign application for the Inglewood PDD. Mr. Higgins second. All-Aye. Motion carried.

14.018 NB Enterprise/Nicky V's Auto Sales, 1637 Route 9 – Change of Tenant & Sign

Mr. Mark McMahon from Enterprise Rent-A-Car and Mr. Nicholas Vooris from Nicky V's Auto Sales were present for the proposal of a Change of Tenant & Sign application. Mr. McMahon stated the following: Enterprise and Mr. Vooris have submitted an application for our property that we lease at 1637 Route 9. Enterprise rents one building with two sections to it and we would like to sublease out the right section of the building, which was the former Enterprise Car Sales to Mr. Vooris to operate a used car lot there. Mr. Vooris has proposed a Change in Tenancy and also a proposed Sign change. Mr. Higgins stated the map that we are looking at was the approved site plan and asked which spaces are going to be dedicated to the cars sales versus the car rentals? Mr. McMahon stated the spaces directly facing Route 9 on the south side and right adjacent to the sign there are 27 spaces to the right of the two islands that would be for display vehicles and 5 spaces along the back would be for employee or customer parking. Mr. Higgins stated are you going to have your customers and handicapped people go all the way to the back and then walk up front? Mr. McMahon stated on the car rental side we are not prosing to make any parking changes. Mr. Higgins stated I'm talking about for the sales side. Mr. McMahon stated for the sales side display there is parking right in front of the door, but we're going to propose that the customer parking be in the back. Mr. Higgins stated to Mr. Roberts that he was not comfortable with that. Mr. Roberts stated why are you proposing it that way? Mr. McMahon stated we do have some spaces and the handicapped parking spot is in the front. Mr. Higgins stated but that is for the rental. Mr. McMahon stated correct. Mr. Higgins stated you are looking at two separate businesses here. Mr. McMahon stated correct. Mr. Higgins stated I think you really need to think about having some spaces and maybe take the 4 left hand spaces out of the 18 spaces and dedicate those for customers or handicapped for the sales portion of the business. Mr. McMahon stated we would be fine with that. Mr. Higgins stated it's a long way to ask people to come all the way from the back and at least this way you'd have a handicapped and a sign for customer parking right there. Mr. McMahon stated yes, and we could put the sign right on the island. Mr. Higgins stated or something because I think it is a little bit more user friendly having it there. Mr. McMahon and Mr. Vooris agreed with Mr. Higgins. Mr. Higgins stated regarding the sign; you are going to take the lower portion of the sign, correct? Mr. McMahon stated correct. Mr. Higgins stated the following: Is the applicant aware that obviously there can be no tractor-trailer parking or no unloading of trailers on Route 9. Any unloading is going to have to be within the site. Are you planning on transporting vehicles? Mr. Vooris stated if that happens, it would be if I got a car load delivery and that would happen maybe once every few months and it wouldn't happen very often. Mr. McMahon stated we do have the ability for transporters to pull right into the site. Mr. Higgins stated you're going to have to because the tractor-trailer is not going to be able to back out onto Route 9 either. So, either you're going to have to unload off-site and then bring them over on dealer plates or something. Mr. McMahon stated yes, correct. Mr. Higgins asked if the owner of the property was aware that you're subleasing a portion of it? Mr. McMahon stated yes. Mr. Higgins asked Mrs. Murphy if the Board needed any kind of a letter from the owner? Mrs. Murphy stated we typically get an owner authorization form from the owner. Mr. Harris stated we did

receive an owner authorization form from the owner of the property. Mr. Roberts stated for your sign you are proposing just to add "Nicky's" underneath the Enterprise sign, right? Mr. McMahon stated that is correct.

Mr. Higgins made a motion to approve the change of tenant application for Enterprise/Nicky V's Auto Sales conditioned on: (1) two parking spaces on the north end of the lot labeled "car sales parking" on the site plan be set aside for one handicap space and an adjacent loading/unloading area; (2) two spaces on the north end of the lot labeled "car sales parking" on the site plan be set aside for customer parking; (3) no transport trucks shall park or unload on Route 9. Mr. Partlow seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to approve the sign application for Enterprise/Nicky V's Auto Sales. Mr. Higgins seconded. All-Aye. Motion carried.

14.019 NB Capital Renegades Baseball, 217 Guideboard Road – Change of Use

Mr. Randy Zielinski, the applicant, stated the following: I'm here tonight representing Capital Renegades Baseball Club. We submitted an application for a change of use located at 217 Guideboard Road for a temporary indoor baseball facility for workouts for our kids. Basically the use is for evening hours Monday through Friday and weekend use. We have a couple of nets for hitting and Mr. Peter Vasilakos is the owner of the building and he has offered it to us as a donation for our kids to work out during the winter months so, we applied for a Change of Use and Tenant. Mr. Roberts asked how many teams are proposed to use this? Mr. Zielinski stated we have six teams in our organization. Mr. Roberts asked how many teams would be using it at one time? Mr. Zielinski stated one team at a time. Mr. Roberts stated is that about 13 to 14 kids? Mr. Zielinski stated it would be 12 kids maximum and a lot of times there isn't that many. Mr. Roberts stated I asked that question because we are concerned about parking. Mr. Zielinski stated the following: When it comes to parking, most of the time the parents are dropping off and they don't stay there and then they pick up the kids when it's over. The only parking that is really needed is for the coaches that will be doing the training. Mr. Partlow asked how many coaches would be there? Mr. Zielinski stated two or three; it depends, but no more than three. Mr. Roberts asked when do you plan on being outside? Mr. Zielinski stated as soon as the weather gets nice and we're hoping it will be by April 15th because that is typically when the fields open up so, we're hoping to be outside by then. Mr. Roberts stated after April 15th would you still be using this tenant space? Mr. Zielinski stated no, it's just for the winter months. Mr. Partlow asked are you carrying liability insurance? Mr. Zielinski stated the following: Yes, we have liability insurance under each and every team for our organization itself and I'm sure he has some type of liability insurance under his too. I haven't asked him that, but we do have liability insurance. Mr. Higgins stated the following: As you know, historically there have been selective problems with parking at that site. From what we understand, you have used this before for a number of years. Mr. Zielinski stated yes, this will be our third year. Mr. Higgins stated the previous applicant that was in the facility next door to this tenant space, which was the larger 8,000 SF tenant space, was approved as a personal trainer and there was a stipulation that the owner of the facility had to submit a letter explaining that he understood the parking problems and the reason why that person didn't move in was because the letter was never provided to the Planning Department. As far as this particular application, being that it's only going to be for a number of months and being that there's only a number of parking spots that are going to be taken up for this facility, the Board is looking at this differently than we would if it was a permanent installation. Do you realize that if the Board

approves this application tonight, it is strictly for this application and strictly for the site with a certain number of parking spots being used for this as two or three and it does not grant you an approval for next year or anything past April 15th. Mr. Zielinski stated sure. Mr. Roberts stated I would suggest that if we approve this, we say May 1st is the cutoff. Mr. Higgins stated okay, whatever the dates is. Mr. Zielinski stated it's based on the weather. Mr. Higgins stated we're going to put a date on it and that will be the application because we don't want a precedent set where someone can come in after you guys move out and say "well, you had this approved" and it's a totally different parking situation. Mr. Zielinski stated sure. Mr. Higgins stated so, that's why we're looking at it very carefully to make sure that we don't set a precedent. Mr. Zielinski stated we could actually be out earlier than that because if he decides that he has a tenant to lease that tenant space out, we have to move out and that's part of the stipulation because obviously he is in business to rent out the tenant spaces. Mr. Higgins stated and obviously, we can't control that, but we're looking at this specific application and this specific use tonight with an end date and we want to make sure that everyone understands what the stipulations are. Mr. Roberts asked the applicant if May 1st was good? Mr. Zielinski stated yes, that's fine and that would work for us. Mr. Nadeau stated for verification; did you state that you were only going to use three parking spaces? Mr. Zielinski stated yes, approximately three. Mrs. Murphy stated the following: Just for clarification for the public; the Planning Board does have discretion in these non-defined uses to determine an appropriate amount of parking spaces to be allocated to each specific use. This is not a defined use pursuant to our local law so, they need to rely on what you're saying and they can then determine whether or not there are an adequate number of parking spaces available for this specific use on these specific dates. Mrs. Sautter asked do you hold charity events or clinics where there would be much more? Mr. Zielinski stated no, this is only for our individual teams. Mrs. Sautter asked so, there are no clinics? Mr. Zielinski stated no clinics. Mr. Roberts stated and again, one team at a time. Mr. Zielinski stated one team at a time. Mr. Higgins stated with a maximum of 12 to 13 people. Mr. Zielinski stated yes, that's correct.

Mr. Nadeau made a motion to approve the temporary change of use application for Capital Renegades Baseball conditioned on: (1) no charity events or clinics to be held at the site; (2) the tenants are limited to the use of three parking spaces; (3) the tenant must vacate the tenant space by May 1, 2014. Mr. Higgins seconded. All-Aye. Motion carried.

13.115 NB Dahoda Subdivision, Dunsbach Road – Minor Subdivision/Lot Line Adjustment

Mr. Kevin Dailey, Esq. stated the following: I'm an attorney from Rexford, NY and I'm here representing Raymond Dahoda and his daughter Judy Dahoda-Taylor who are in the audience tonight. Mr. Dahoda lives at 85 Beach Road and he is a longtime resident of the Town of Halfmoon. We're here tonight to talk about the Sandy Rock Subdivision and it is Mr. Dahoda's desire to have Lot #2 to be built on and to be used for his daughter's residence and Mr. Dahoda will be building his daughter's house himself. However, Sandy Rock, which was approved by the Planning Board and the map was filed at the County Clerk's Office in 2011, hasn't been built yet. So, the normal subdivision street, which would serve all the lots, hasn't been built and it isn't in. So, we're looking for an alternative way to be able to get a building permit so that one house can be built on this plot and we started looking at the concept of flaglots under the Town Subdivision Regulations and Zoning Law. So, some weeks ago, I came in to see Mr. Richard Harris from the Planning Department and I said "okay, Rich, we have a plan, how about this?" and Mr. Harris said "no, that doesn't work". So, a few weeks later we came in with another plan and again I said, "how about this?", and Mr. Harris said "no, that doesn't work either". So, we're on our third plan

and we think that we actually have it right this time and Mr. Harris can comment if he desires to. So, what we needed to do was to show a route all the way from the lot out to a public highway so that there would be 20 FT of width where that driveway would actually touch on the public highway. We've been able to do that and we have permission from all the property owner's lots that we have to cross and it is a little bit convoluted, but it works and it will allow Ms. Judy Dahoda to have her home on Lot #2 of the Sandy Rock Subdivision. Now we're doing this with a stipulation that when the subdivision is built and the subdivision street is installed by a builder at a future time, that this approval would go away and everything would revert and it actually does work under the Zoning Law, it is a flaglot and we are hopeful that the Planning Board would approve this project. Mr. Roberts asked do you have a plan that we could see to show us what you want to do here. Mr. Dailey stated I actually highlighted the map so that you could see the route and I think everybody should have received a narrative and a map with the package. Mrs. Murphy stated the following: The only concern that I have is with your last statement about it reverting back. I assume you're doing deeds and merging these properties and this Board won't be able to create what is currently The Lands of Dahoda or the landlocked parcel and they won't be able to recreate a landlocked parcel. Mr. Dailey explained the plan to Mrs. Murphy. Mr. Dailey stated the following: This plan is designed for Lot #2 to be built on Lot #2 of the Sandy Rock Subdivision and that is on a map that was filed in the County Clerk's Office in 2011. To access that lot, until the subdivision street is built, we need to have an access way out to a public highway and we have done that out to Dunsbach Road in the area that I have highlighted in yellow. So, it works and it meets the requirements of the Town's Zoning Law. At the time the subdivision street is built to serve the home, and hopefully it will be located there at that time, and there will be reversionary language in the deeds and the strip will revert back to Dahoda and the landlocked lot will at a future time have access out to Dunsbach Road through the 20 FT strip across the Lands of Remillard and we did get permission from Remillard and we dropped that off to the Planning Board. Mr. Nadeau stated looking at your map, to the east it does specify Lot #2, but you're also showing a #2 to the west on this lot, what does that refer to? Mr. Dailey stated the following: That is now the total of all the square footage for everything. So, this is all for Lot #2 together and it comes out to a 3.5-acre parcel. This is a 37,000 SF lot and there is a future emergency services access and we do have at least 30,000 SF to be built on, which is the requirement of the zoning. When I do the deed for the two pieces there will be reversionary language at a future time when the road is accepted and it all reverts back to the original owner. Mr. Nadeau stated so, should it be approved, this is in reference to the new Lot #2. Mr. Dailey stated correct. Mr. Higgins stated you're showing an 8-inch water main; is that existing or is that proposed and where is this building going to get its water from? Mr. Dailey stated the water main already exists and it comes in from Beach Road. Mr. Ray Dahoda, the applicant from 85 Beach Road, stated the following: That piece was put in when we got the water main on Beach Road. Mr. Higgins asked what is that water main presently serving? Mr. Dahoda stated nothing. Mr. Higgins stated so, it's active and it's in and it is just dead ended. Mr. Dahoda stated the following: Yes, it is dead ended and when the road is finished, it gets capped there and goes out to Dunsbach Road. On Dunsbach Road it is already been stubbed in the property and I paid for that back when the water went up to on Dunsbach also. Mr. Higgins asked do we need to get a confirmation from Mr. Frank Tironi, Director of the Town's Water Department, that that can be used? Mrs. Murphy stated the following: If it can't be used, he won't be able to build. Yes, he's going to need to get it, but they won't issue him a building permit without confirmation that there is potable water on the site. Mr. Higgins asked are how about the other houses of Dahoda, Remillard and Sandul and asked are they all on wells? Mr. Dahoda stated no, they are all on Town water. Mr. Higgins stated we will need a note on the plans showing that those homes are all on Town water and you will also need to locate your well on the plans. Also, is

the driveway going to be built to fire truck standards? Mr. Dahoda stated the following: This has already been accepted by the fire department and the highway department and it's already paved. This is in the Sandy Rock Subdivision and it's the emergency access road, which you required. Mr. Higgins stated okay. Mr. Dahoda stated when the road comes into Sandy Rock, which is Sandy Rock Way, there is actually a stub road that comes down and touches my property. So, this action makes everything better.

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

14.009 NB Oak Brook Commons LLC PDD, Route 9 – Amendment to PDD

Mr. John Gay from Northeast Consultants, stated the following: We have made application to the Town Board to modify the Planned Development District (PDD) for Oak Brook Commons to allow us to build two 4-unit buildings along with garages to cover the people living in those buildings. One of the items that we would like to bring to your attention is the present office building is too small for the needs of Oak Brook Commons. Consequently we have selected a site, which is in Clifton Park for a new office building and the parking lot for that particular facility would be in Halfmoon. That would leave the old office building site where we would construct one 4-unit apartment building and just south of there, there is an area that is encompassed by two roads and that would be the site for the second 4-unit building. All in all there is 144-units in Halfmoon in the Oak Brook Commons project right now and it encompasses 31.02-acres, which is a density of about 4.64-units per acre. Mr. Roberts asked is that gross acres or useable acres? Mr. Gay stated that is total acres/gross acres and the useable acreage is 30.09-acres as opposed to 31.02-acres so, there is about an acre difference and it increases the density to 4.79-units per acre. Mr. Higgins stated the following: The last time the applicant was before this Board they said that there was no more useable space in the Town of Halfmoon and that they weren't going to come back for any more. So, what has changed between then and now? Mr. Gay stated well, I'll tell you 50% of the change and that was the fact that the office building would move into Clifton Park thus leaving us space to construct one 4-unit building. Mr. Higgins stated so; you're tearing down the old office building and making that a 4-unit building. Mr. Gay stated that is correct. Mr. Higgins stated are those 4-units going to be donated to the Habitat for Humanity? Mr. Gay stated no, Mr. Chuck Hoffman is talking to them about having the building moved to a site that they would own for residential use. Mr. Higgins stated the following: Okay. So, you're just talking about donating the building itself and moving it off the site. Mr. Gay stated correct. Mr. Higgins stated the following: Okay, I misunderstood that. How about the other proposed 4-unit building; what is there now? Mr. Gay stated the following: It is just an open space that is somewhat wooded and it's between two roads. There is an island in there and it is suited for placing a 4-unit building on it along with an associated garage. Whether or not that was considered the last time around and I was probably here at that time discussing it and I think we thought that we had maxed out the site, but with a closer look at it would indicate that we hadn't maxed out the site. Mr. Nadeau stated I think we should go back and look at the minutes of our approvals to just get a refresher on this because I do recall what was mentioned about the issue that there would be no more additions to the PDD. My question is that I would like to know if this Board said that. Mr. Higgins stated I think that this might be a good application for a committee to go out to the site to take a look at it and see exactly what we're dealing with and also a confirmation on the buildable acres because I know there are some elevation changes on that site. Mr. Roberts stated if everyone is satisfied, our next step would be to schedule a public hearing and asked the Board if they wanted to hold off on scheduling the public hearing until we have a committee go out to the site to look at it and review

the prior minutes? Mr. Higgins stated that is what I would suggest. Mrs. Murphy stated sometimes you would refer this to CHA at this point as well. Mr. Roberts stated that Mrs. Sautter, Mr. Ruchlicki and Mr. Higgins would be the committee to go to the site. Mrs. Murphy stated the following: Mrs. Sautter is a Planning Board Alternate who is sitting in tonight due to a Planning Board member being absent. Mrs. Sautter can still obviously go to the site but she is not a voting member of the Board typically. Mr. Roberts stated okay, Mrs. Sautter will go to the site with Mr. Higgins and Mr. Ruchlicki and we will also research the past minutes for Oak Brook Commons.

This item was tabled and referred to CHA for their technical review. A committee from the Board was established to conduct a site visit and the Board requested a review of prior meeting minutes related to past approvals.

14.006 NB Mott Orchard Residential Subdivision, 165 Farm to Market Road – Major Subdivision

Mr. Joe Bianchi from M J Engineering stated the following: I'm here representing Beacon Development for the proposed Mott Orchard Subdivision that is located at 165 Farm to Market Road and we submitted the application in December 2013. The current landowner is Mr. Frank Krasuki and the parcel is 95-acres plus or minus. You'll note later in the presentation that we list it as 97-acres and that is a discrepancy between the Generic Environmental Impact Statement (GEIS) Real Tax Property Data and obviously when we do a boundary survey, we will know exactly what the parcel area is. The property is located within the Town's Agricultural-Residential (A-R) zoning district and it has full frontage on Farm to Market Road. We have an aerial photo and it's in our narrative that we submitted and this is an overlay of the Town Zoning District that is entirely within the A-R zoning district. This is actually one tax parcel and is landlocked across Farm to Market Road. Presently there is a residence with a barn on the south side with a residence on the north side. The land covers predominantly agricultural use farm and I believe the northern piece had corn this year and I don't believe the southern piece has been used in the last couple of years, but it has been used historically. There are some treed areas on the northwest corner and northeast corner. This is a bird's eye view that shows you just how the land form is and it gradually goes uphill from south to north. The environmental setting, as far as what the existing conditions are; it's predominantly farm fields with some wooded areas to the northeast and northwest corners. The soils range from very good soils or "A"-soils to "D"-soils which are very poor soils. The poor soils are predominantly to the southern piece of the property on the south part of Farm to Market Road. Wetlands; we do know that there is map of New York State Department of Environmental Conservation (NYSDEC) wetland on the north-northeast corner. We have not done a site specific field walk so, we do not know if there are any unmapped Army Corps of Engineers (ACOE) wetlands and we will do that when the weather permits and then they will be shown on the map. As far as floodplains; there are no known floodplains and no special conditions on the property. Historic culture resources; based on our initial review, it is not in an archeological sensitive area and there are no buildings of a defined cultural resource. Threatening endangered species; again, based on our initial review looking at the State and Federal data bases, there are no known threatened or endangered species within the project boundaries. So, these are some of the environmental items that we've talked. Everything in green is a NYSDEC map wetland and the dashes around that is the 100 foot buffer areas. The blue areas are what we have defined as slopes 15% or greater and not all that much. It's pretty much limited to the roadside, which is the roadside ditches created for a drainage system and then there are some areas to the north-northwest corner of the property. So, understanding what are constraints are with the zoning criteria as we went into the development proposal. So, the bulk lot requirements are 20,000 SF

minimum with half-acre lots, 100 FT lot widths, 50 FT front yard setbacks, 10 FT side yard setbacks and really it is 25 FT aggregate on both sides and then a 30 FT rear yard setback. As I show you the proposed sketch plan and other items that we obviously had to pay attention to were regulated wetlands that we know about at this time as well as steep slopes. The development proposal that we have right now yields 112 single-family lots. Three lots are proposed for stormwater management facilities and there is one piece of property that is the State wetlands that we're probably going to offer for dedication to the Town, whether the Town wants to choose to take that or not, and it is adjacent to lands that the Town has deemed as sensitive and whether you want to take it or not, although I see a lot of negatives; so, absolutely not. Mr. Nadeau stated we don't want it. Mr. Bianchi stated then there is a 1.1-acre piece of property that is right on Farm to Market Road that contains an existing barn and the developer has a concept of potentially restoring or rehabilitating a portion of that for use by the residents as a meeting place or whatever the program would yield. At this time we do not contemplate any impacts to wetlands as those are only the State wetlands that we have defined and that's not to say that Federal wetlands through investigations in the Spring will yield wetlands that we have to deal with and if there are impacts, obviously we will have to deal with those. With the development proposal there is very minimal clearing of trees and again, there are trees on the northwest corner and the northwest corner. So, with that, we came up with our development scheme that we have. Again, there will be lots on both sides of the road and this is the State wetland that I talked about and this is the area that we would offer to someone since it doesn't seem that the Town wants to be a repository and it may be an Homeowner's Association (HOA) or it may be a rain conservation or whatever it may be. Mr. Bianchi showed the Board the three areas for stormwater management and the barn lot where there are currently two barns located there. Mr. Bianchi stated the following: I think the plan right now is to probably save one of the barns. Mr. Bianchi stated the following: Regarding public utilities; we would connect to the Town of Halfmoon water system where public water is available at Pruyin Hill Road off to the east. There are public sewers west of the project where some of the recent development has occurred down that way. For stormwater management we would propose to do three on-site stormwater management areas and then there would be conveyance systems within the roadway getting them to there. For electric and natural gas; we would likely have to extend those to the property if that was desirable. Obviously electric and natural gas we would have to extend and I believe that it comes from the west end of the property. Some of the items that we had talked about with some of the open space; again, the State wetland and the buffer area and there are additional area surrounding that and again, we would offer that to someone who would desire to take that. Again, regarding the barn, we are looking to preserve and we would obviously have to deal with this piece of that barn, which would probably get knocked out because it does have some restriction on sight distance looking east and west out of there, but this is setback about 20 to 25 FT off the right-of-way potentially not really impacting sight distance looking that way. Regarding access and traffic; from the plan that I have shown you, there are three points of access onto Farm to Market Road; one access from the northern piece and two access points from the southern piece. While the lots will have frontage onto Farm to Market Road, they do not have direct access onto Farm to Market Road and it would be off of the proposed internal roads. Then there are means for future connectivity to the adjacent piece of property. The project is entirely within the Northern Halfmoon GEIS, which looks at future development, the associated impacts and what mitigation measures would be needed. This project would be subject to the GEIS and the fees that come out of the GEIS which covers water, sewer, traffic and open space and then obviously the Town's payback on the preparation of the GEIS. Understand that GEIS is relatively all of 2002 and we're in 2014 and we're probably on the backend of that planning horizon that is evaluated. Again, this a bird's eye view of the concept subdivision sort of giving you

the geography. When we chose the access points, we looked at what the peripheral areas were as far as where there would be development potential. Not what this developer is going to do, but someone else. We didn't do any connectivity down here because there is a State wetland that extends there and it sort of prohibits it. Obviously, we wouldn't do any connection over here because the State wetland sort of encumbers that piece of property. So, we looked at connectivity in three different areas. These are all obviously cul-de-sacs now with provisions to end them further into the adjacent properties. So, if we get favorable opinions this evening or the next appearance or whenever it may occur, obviously what we would have to do is to do site specific wetland evaluations per ACOE wetlands, we would have to do a study the Town's water supply and do an engineer's report to evaluate that. Regarding sanitary sewer; we would again have to do an engineer's report that has to go to the County Sewer District to try to set aside capacity to see if there are any issues. We would have to do a full Stormwater Pollution Prevention Plan (SWPPP) as towns in MS4 have to deal with green infrastructure, water quality and water quantity controls. Regarding traffic; we will probably have to do a traffic study to assess the intersections to see what the level of service is and what sort of mitigation may be warranted for this project. Mr. Nadeau stated on the northwest corner; I believe we've approved a site and if there is an approval to the adjacent site on that cul-de-sac do you have that as future tie in or are you referring to the McBride property? Mr. Bianchino stated Mr. Marlow has pulled out the Holland Park plan and there is a stub street on the southern part of the Holland Park plan that actually hits the northwest corner and it's lined up right with the edge of the property line. Mr. Nadeau stated so, it would not line up with his current cul-de-sac. Mr. Bianchino stated the following: No, not where he has it now and it's at the northwest. There's a subdivision that was approved on the left side of the page, which has a stub street established right at the northwesterly corner. Mr. Bianchi stated again, I think there's a lot of flexibility as early on we can modify this so that those two roads would marry to one another. Mr. Nadeau stated going to the southside of the site; which I believe is adjacent to the Johnson Farm, is that one of the cul-de-sacs for a future access? Mr. Bianchi stated that would be a future access if there was ever a developed proposal there. Mr. Nadeau stated regarding the southern west portion, is that a future access to the McBride's? Mr. Bianchi stated no, there is no future access and the reason being is that there is that big State wetland here so, we didn't go into to grade that, but when we looked at it that, it may be limited to get back there to make that link. Mr. Nadeau stated regarding sight distance; in relation to the barns, where is the westerly entrance and how close is that to the barns? Mr. Bianchi stated this is probably to the barn that we want to save which is probably about 300 FT away. Mr. Nadeau stated okay, because that is an issue with the sight distance there. Mr. Bianchi stated absolutely and we recognized that when we looked at that when we identified sight distance and the assumption is that that small 20 FT x 20 FT building would be out of the way. Mr. Nadeau asked if the farmhouse was going to be demolished? Mr. Bianchi stated yes. Mr. Higgins stated the following: You mentioned the GEIS and one of the requirements for GEIS is 20% quality greenspace preferably along the roads. How are you handling that? Mr. Bianchi stated we didn't take the approach of a conservation subdivision and we just looked at it as a traditional subdivision. Mr. Higgins stated that doesn't make any difference because GEIS is GEIS. Mr. Bianchi stated I understand but if that is a requirement of the Town, then we would have to adhere to that and then we would to figure out how to accommodate that within project. Mr. Higgins stated okay because I was on the GEIS committee and that is a part of the requirement of the GEIS, which is quality greenspace preferably along the roads. Mr. Bianchi stated so, we would have to look at the corridor and shift everything into the subdivision because 20% is a mandate by the Town. Mr. Higgins stated 20% is a mandate of the GEIS and that is a requirement and we have enforced that on previous developments in the GEIS. Mr. Bianchi stated the following: I think we've got the initial start of that and we would have to have a discussion as

far as what counts and what the Town would deem acceptable and what is not acceptable. I don't think that all of it would be dedicated for the barn because it is 1.1-acre and whether that can be counted toward it in some form or fashion and whether the area where the State wetland is and what's being offered to whomever whether that counts toward it and then I think we can work towards that 20% and see how close to that we get to it if not exceeding that. The stormwater area in the back is rather substantial and I don't think we need all of it so, there may be opportunities to offer that and count toward that 20%. I understand and recognize what you're saying because I think there are opportunities to potentially move those lots a little bit away so you have some level of greenspace along that County highway. Mr. Higgins stated yes, because that is a portion of the GEIS requirements. Mr. Bianchi stated yes, understood. Mr. Higgins stated the following: I understand that you made provisions for a future intersection, but I guess my question is that you have a number more lots on the north side with only a single access. Wasn't there some way of doing multiple accesses on the north side also? Mr. Bianchi stated the following: We did look at that and there is actually an option to do that as we have the ability to do a secondary access here and shifting the lots away. Then this access here would line up with the access of the subdivision. So, understanding that, we wanted to get the feedback if that was a concern from fire protection services or emergency services. Then there are provisions obviously to link that into there so you do have two means of ingress/egress into the property. Mr. Nadeau stated I agree with Mr. Higgins because with that number of units on that side of the road that we would want two accesses. Mr. Higgins stated I didn't want to speak for the rest of the Board members, but I would prefer to see the two accesses. Mr. Bianchi stated right and I think that we were sort of aware of that so it really had no impact on the number of lots because we can shift lots left and right to allow that access to come in. Mr. Nadeau stated I think that we requested that on the Prospect Meadows project. Mr. Higgins stated doesn't the southern part of this matchup with some of the land that Town presently has as far as recreational areas or not? Mr. Nadeau stated no, that was further down. Mr. Bianchi stated there is actually a piece of property to the north that is defined in your Comprehensive Plan some sort of passive active use and this is why we offered this connectivity to that if that is the same piece that you are referring to. Mr. Higgins stated there is another piece to the south that has already been conveyed. Mr. Nadeau stated I wasn't sure, but this is not near there and I don't think that that actually ever did get conveyed. Mr. Higgins stated are you talking about just standard Town highway roads or are you talking about any kind of walking trails or anything like that internal in the development itself. Mr. Bianchi stated at this time we are just looking to use the standard highway cross section. Mr. Ruchlicki stated the following: I mentioned this one other time on another project and I think Mr. Bianchino knows where I'm going to go with this. Those entrances that are across from each other, directly across creating a 4-way intersection like that; unless there's a traffic control device there, it causes problems with traffic movement because you get two cars facing each other and one wants to left and one wants to go right and they inherently always go at the same time and it cause a problem. We talked about staggering the entrances so, keep that in mind and possibly relook at that so that you could push those two apart because if there isn't a traffic light there, inevitably there is going to be a problem. Mr. Bianchi stated the following: Right and I think when we developed the layout we looked at what the Town standards are in respect to that, understanding that it is a County road with Town roads proposed. I don't think staggering them would really impact it and I think if that is an issue, we can definitely look into that. Mr. Ruchlicki stated we are in the early stages of this proposal and I just want to make sure that we think about it. Mr. Bianchi stated yes. Mr. Partlow stated the following: I wanted to reiterate Mr. Higgins' point with regards to the second entryway on the larger lot to the north and that I agree with him that there needs to be a second point of access. Also, are there going to be any provisions for a bike path? Mr. Bianchi asked within the

subdivision? Mr. Partlow stated yes. Mr. Bianchi stated right now the proposal is to just use the Town standard road section. Mr. Higgins stated I know that our Town Highway Superintendent, Mr. John Pingelski, has mentioned previously that he has trouble sometimes with these turnarounds as far as maintaining and plowing them. Mr. Bianchi asked are you referring to the cul-de-sacs? Mr. Higgins stated the following: Yes, the cul-de-sacs. So again, I realize that's the way to maximize the use of the land, however, it does create problems for the Town. So again, I just wanted to bring it up because I'm sure that will be mentioned in the CHA's review letter. Mr. Bianchi stated I know that some towns are now using hammerhead turnarounds as a permanent fixture and it's a little bit friendlier to plows and I don't know if the Town is open to something of that nature. Mr. Higgins stated the following: I think the hammerheads are worse as far as plowing than a turnaround, but obviously you can't always put through streets, which are the easiest to maintain. I thought I would mention that because that has been brought up before this Board previously. Mr. Bianchi stated understood. Mrs. Sautter stated the following: I would like to reiterate what Mr. Higgins said about the GEIS and you have to understand the word here; "quality greenspace". I think you should really look and see what this area will impact because that to me looks so incredibly dense and I think that is the elephant in this room. It is enormous to me on there. I know you're saying it conforms, but maybe not in the northern part of Town because we have different standards up there. Especially with what Mr. Higgins was saying with the 20% road frontage, "quality greenspace". Mr. Bianchi stated understood. Mrs. Sautter stated I would definitely look into that and once again, with all those turnarounds and cul-de-sacs you're trying to just pack the lots in there and I don't really think that that's what we had in mind with what "quality" meant for that area. Mr. Bianchi stated understood. Mr. Roberts stated I will have to agree with Mrs. Sautter because I'm concerned about the density also. Mr. Bianchi stated we can look into that and then we will bring it back and see if we can improve upon and impressed the Board. Mr. Nadeau stated I think in your narrative it mentioned something about the barn as used for gatherings, could you explain that? Mr. Bianchi stated the following: I think that that program is not really defined all that well right now, but I do know that the developer's, Mr. Lou Leece and Mr. Jeff Gabriel, are here tonight from Beacon Development and what was talked about was trying to preserve the barn. I don't think the end use has not been defined on whether it becomes a gathering place for people within the development or it becomes more broad based and more public available, we don't know. If the Board has any feedback that you want to offer us, then obviously let us know. Mr. Nadeau stated the following: I would agree with the other Board members on the density as I was looking at that and again, I know our ordinance states "X" amount of square footage, but I don't think it's a rule to use every square inch of the zoning and the intention of it. So, I would appreciate if you would take a look at that. Mr. Bianchi stated we recognize that. Mr. Higgins stated and obviously if the barn is going to be a commercial establishment, we would need to know that because this is in the A-R zone. Mr. Bianchi stated no, the intent for the barn is not to be used as commercial building. Mr. Lou Leece, the applicant, stated or the barn could be owned by an HOA and the HOA would be made up by the members of the residents. Mr. Ruchlicki stated the following: Based on that, it's just a recommendation. Knowing the area and knowing that particular building, it's a nice barn. The esthetics and an actual layout of that particular area, there are 6 lots surrounding that barn and that would be nice if that was a nice piece of openspace. Mr. Nadeau stated regarding the traffic; to the west, which we've looked at this in other smaller developments, but with this many units coming onto Farm to Market Road, which has become a very heavily traveled road now, we have some issues possibly with the Smith Road intersection and have you looked at that at all? Mr. Bianchi stated the following: We have not and again, we are in the early stages with this proposal and we would look to the Board for some of the historical knowledge that you have to give us guidance. I would imagine that once

we come up with a plan that the Board is in favor of; then we would dive into the traffic. Which way the traffic will go; it is probably going to be split with some going west and some going east. Understand that if there are known impacts in the general vicinity of the project that this would impact in some way, shape or form, we would obviously have to look at that. Mr. Nadeau stated I think it will heavily impact the Route 9 area because right now that's a standard morning backup for quite a distance for that current lighting system and it is strictly go on your own and that has become an issue down in that area and obviously this is definitely going to impact that.

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

14.007 NB Creek View Estates Residential Subdivision, Upper Newtown Road – Major Subdivision

Mr. Joe Bianchi from M J Engineering stated the following: I'm here representing Mr. Jeff Gabriel and Mr. Lou Leece from who are members of Beacon Development and are also present for tonight's meeting. I'm here to go over the sketch plan for Creek View Estates. Again, just like the last subdivision, I'll run through what the existing conditions are, what the environmental conditions are, what our development proposal is and then I will go into some details about that. The property is owned by Mrs. Dorothy Pingelski, the size of the parcel is 95.83-acres and the parcel is located in the Town's Agricultural-Residential (A-R) zoning district and there is frontage along Upper Newtown Road. We did an aerial that shows you the property boundaries overlaid in an aerial. There is a farm field to the northeast, wooded to the southwest and pretty much bisected by McDonald Creek and that sort of differentiates between what the land cover is. Again, a bird's eye view sort of gives you a perspective of how the land lays out. The environmental setting; the coverage is predominantly open fields in the front portions of the parcel and then it is wooded to the south-southwest portion and is pretty much bisected by McDonald Creek where it sort of differentiates between the land cover types. The soil types range from "B", which is favorable to "D", which is not so favorable. Land slopes range from 2% to 20%. The steeper slopes are pretty much along the corridor of McDonald Creek. Wetlands; we do know that there's mapped New York Stated Department of Environmental Conservation (NYSDEC) on the property and we've actually gone out and did a wetland delineation per the Army Corps of Engineers (ACOE) on mapped regulated wetlands and they are on the maps that you have as part of the application and they are shown on the images that we show later on. Floodplains; there are some floodplains within the project's limits and again, they are all limited to the McDonald Creek corridor. Historic/Culture Resources; based on our data research, we did find that it is located in an archeological sensitive area and we would likely have to do a phase 1A, 1B survey later on. I do know that Beacon Development did some on the adjacent parcel to the south, Swatling Landing, and I don't believe anything was found there. So, we feel that probably the same result will come out of that study here. Threatened/Endangered Species; based on the reach out to both State and Federal agencies, there are no known threatened or endangered species with the property boundaries. So, some of the environmental items that I did mention; this is pretty much the corridor of McDonald Creek going through here and basically the ACOE wetlands follow the bed and banks of that stream. There is a NYSDEC mapped wetland sort of up where the creek turns with an adjacent buffer area and there are also some ACOE wetlands over in the corner. We also do show some of the steep slopes on the property and those are 15% steep slopes and inside those 15% there are some pockets of 25% or greater, but they're not that much. Again, the bulk lot requirements for the A-R zoning district are 20,000 SF minimum half-acre lots. Again, when we did the layout, we looked at what the steep slopes were and other environmental considerations; primarily ACOE wetlands and State wetlands. What the development proposal yields on this project are 61 single-family homes,

two lots for stormwater management facilities and there are 50-acres that will be retained by the Pingelski's, which is not part of the proposal. We do not propose any impacts to either State or Federal wetlands, there will be minimal clearing of trees and it's pretty much adjacent to and within 200 to 300 FT of the McDonald Creek. Then there are some slopes in excess of 15% that we may have to look at in greater depth to see if there is any lot specific grading that we have to do or building construction that we have to be attentive to, to allow those homes to go in. So, looking at the environmental considerations that we have to deal with, the lot zoning and the parcel area, we come up with 61 lots. There will be two points of access off of Upper Newtown. There are ACOE wetlands, the State wetlands and some of the steep slopes that we have to deal with. Stormwater management areas will be in two different locations. These are lots that we may or may not have to look at in greater depth to see if there are any lot specific considerations that we have to deal with from a geotechnical nature because those are the less desirable soils, the "C" and "D" soils. The pink shaded lot is the 50 plus or minus acres that will be retained by the Pingelski's. Utilities; public water is available on Upper Newtown Road and we would extend water mains into the project running along roads conveying that water system to the Town. Public sewer is available through the adjacent subdivision, Swatling Landing, and we would run sewers throughout the Town roads and the offer all the infrastructure over to the County Sewer District. There will likely be a pump station on the southernmost cul-de-sac. Stormwater management; it's all in road conveyance systems going to the two stormwater management areas and that would be offered to the Town. Electric and gas; with this subdivision electric and gas is right at Upper Newtown Road that was extended previously when Swatling Landing went in. Access and traffic; there are two points of ingress and egress on Upper Newtown Road and there are three proposed lots that have frontage on Upper Newtown Road that would have access off of Upper Newtown Road. There are means for connectivity to an adjacent piece of property. Again, we went through the same analysis and looked at what was adjacent to us and what potentially could be developed at a future time. Traffic impacts; this developer has a couple other projects in the region and I think that they are aware that the traffic from this project is cumulative. There are other development proposals that are cumulatively impacting traffic primarily on Route 146. I know that Mr. Leece is dealing with CHA on another project that's in the queue much further along and this project only makes it worse so, I think the developer is cognizant of it and we have to deal with it and it's not only this project, it's a bunch of projects within the corridor that I think that are aware of it and have to deal with that issue cumulatively. However that works out, whether it's private public partnership or the private funds with all the mitigation improvements and the public, the Town, the County and the State say "we're okay with these improvements" but, we'll have to look into that. Again, we're not walking away from it, we're aware, it's a big issue and we have to address it. To look at it in a bird's eye view, water connects in two locations on Upper Newtown Road, sewer comes out the back and ties into Swatling Landing, which is under construction now and there is likely there is going to be a pump station somewhere in this proximity. The stormwater lots would be located in two different locations and the remainder of the property is going to be retained by the Pingelski's. As with the prior project that we talked about that there are future things that we have to do to validate the design. We have to look at the water supply, do an engineer's report, get approved by the Town, do a report for the sanitary sewer, request reserve capacity from the County Sewer District, have to do a Stormwater Pollution Prevention Plan (SWPPP) dealing with water quality, water quantity and green infrastructure. Traffic; whether it's this project alone or a study that is broader in base looking at cumulative impacts within the corridor. So, we recognize that we have to deal with it, study it and report back to the Board. Geotechnical; whether we have to actually do a lot specific geotechnical study on those peripheral lots to deal with some of the steeper slopes that we have on-site. Mr. Higgins stated regarding the 50-acres; I see that that has access on one

of the new roads and does the same owner own adjacent lands on the other side? Mr. Bianchi stated yes. Mr. Higgins stated the following: Okay, because obviously the Town doesn't want to see that acreage just abandoned and expecting the Town to take care of it and assume it. We just don't want someone walking away from it and not paying the taxes. I'm sorry, but I don't know this specific piece and it has happened so, that's why I'm bringing it up. So obviously, if they own some adjacent land, that may be a requirement of the Town Attorney that that be associated with the adjacent land. Mrs. Murphy stated the following: Obviously, we are very early on in the process here, but you are correct. Typically we don't let non-buildable parcels be subdivided off unless they are attached to a buildable parcel. Mr. Bianchi stated the following: This property; by no means is it unbuildable. It is just not being proposed for development right now. Mrs. Murphy stated the following: I'm not familiar with it either. I'm just looking at the map and it looks like it is all slopes, but I can't comment on that. Mr. Bianchi stated everything from here south is absolutely, but there is nothing that says that they couldn't on their own do three or four lots on Upper Newtown Road. Mrs. Murphy stated as long as it is attached to something that is buildable. Mr. Bianchi stated no, absolutely there is some developable area to the north, granted it is a small percentage of the overall property. Mr. Lou Leece stated there is also a flat plateau that abuts the Betts Farm, which is also buildable and it's not a wasteland to say the least. Mr. Bianchi stated yes, there is a substantial amount and something could be done with it. Mr. Higgins stated again, being not familiar with the site, that's why I just wanted to mention it. Mr. Bianchi stated understood. Mr. Nadeau stated obviously, traffic is going to be a major issue and asked Mr. Bianchino to give the Board a quick synopsis of what the future is and what is the timeframe on that future. Mr. Bianchino stated the following: As the Board recalls, I think one of the projects that is in front of us now; known as Stephenson Ridge, the last time we did the review on that we noted that our overall plan in this area originally and there were several traffic studies done. Swatling Falls, Glen Meadows and Stephenson Ridge all had traffic studies done. All of those studies, for all intents and purposes, showed that in order to mitigate the impacts a traffic signal would be warranted at Route 146 and Upper Newtown Road. In meeting with the New York State Department of Transportation (NYSDOT), subsequent to those studies, the NYSDOT has indicated that they would prefer not to have a traffic signal at that location due to the proximity with Route 146 and Route 236. So, we've been considering some alternatives; one of which was suggested to us as a potential realignment at some point in the future of Upper Newtown Road to create a new intersection or to create a fourth leg at the intersection of Route 146 and Route 236. It is something that we've conceptually looked at and we've started to as we've reviewed other project and put some pieces together for, but this project certainly is one that would impact that plan. So, I'm assuming that the Board will refer this to me and I, as part of our review, will look at those issues again and possibly meet with Chairman Ouimet at some point to discuss where I think what the conditions are in this area at this point and to follow up with the NYSDOT as well to see where we stand with that. Mr. Nadeau stated the following: Obviously my concern is with approving more subdivisions in that area and just be promised at some point that we are going to correct the problem. So, if that ends up being a 15 or 20 year solution, I think more projects up in this area is going to create havoc in the entire area. Mr. Bianchino stated that was the comment that I believe we had in the Stephenson Ridge proposal without a plan in place without something that's approvable and we had suggested that we need that plan in place before we approve significantly more units in this area. Mr. Nadeau stated the following: As most of these Board members know, when we approved Sheldon Hills, I believe that a traffic signal was to be triggered in the second phase of that project and we were acceptable of that at that time, only to find out that the NYSDOT will not give us that traffic signal. Now we have a situation where it's getting worse and worse. Mr. Bianchino stated the following: Just to clarify that; right now a traffic study has just been updated for that intersection of Sheldon

Hills, Vosburgh Road and Route 146 and they're supplementing that with some additional information that we've asked them to do, but at this point they are about 75% buildout in Sheldon Hills and without getting into too much detail, there are certain warrants that have to be met in order to justify a traffic signal and they are not met yet. So, that is being looked at and we are hoping that we can put a timeframe on when those things will be warranted, but that study is being updated right now. Mrs. Sautter asked could you clarify that the overall project is 95.83-acres and that 50-acres of it is going to be deeded back, is that my understanding? Mr. Bianchi stated the following: It is a 61 lot subdivision, but let's call it 62 as lot #62 will be retained by the current land owners. It will not be deeded back; it's just going to be retained. Mrs. Sautter stated the following: And it is 50-acres. So, excluding that, I think we can do that and what is the buildable acreage for the 61 lots? Mr. Bianchi stated the following: I can't give you that exact number. However, of the 45-acres that is leftover plus or minus, I would probably say about 90% of that is buildable because these constrained lands are very limited to within our project footprint and it is solely constrained steep slopes of 15% or greater and you saw from the map that it's really not that much. All the State and Federal wetlands are outside of our proposed lots, with the exception up here where there is a finger of an ACOE wetland up there. Mrs. Sautter asked is that on the green area on the plan? Mr. Bianchi stated the following: That is all ACOE wetlands and the corridor of McDonald Creek and those are all either Swatling Landing adjacent property or the lot to be retained by the current landowner. So, within the footprint of what we're doing; there's virtually no ACOE wetlands or regulated wetlands. Mr. Higgins asked what is the piece on the lower right hand side? Mr. Bianchi stated that is another piece of property that I believe is within the Pingelski's property. Mr. Higgins stated okay, so that's not part of this. Mr. Bianchi stated no.

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

Old Business:

13.118 OB Ballard Subdivision, Smith Road – Minor Subdivision

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight for the Ballard Subdivision. I'm here tonight to clarify and correct for the public record the statements that were made at the January 13, 2014 public hearing about the jurisdictional status of the wetland complex that was on the Ballard subdivision. At the public hearing I stated that the wetlands on-site were only under Army Corps of Engineers (ACOE) jurisdiction and they were also under New York State Department of Environmental Conservation (NYSDEC) jurisdiction. After the questioning of the status of the wetlands by Mr. Dunsic, one of the neighboring parcel owners, and Mrs. Sautter the Board required that we look further into this, which we did, and prior to the signing of the subdivision maps. After reviewing the documentation and consulting with the NYSDEC Region 5, there were NYSDEC wetlands. We checked with the NYSDEC to make sure that there were no modifications to those wetlands and the boundary or jurisdictional status, it was determined that the entire wetland complex was NYSDEC. As we show on the mapping, we revised the subdivision map to reflect the jurisdictional status change by adding the 100 FT adjacent area along the wetlands and the impacts to Lot #2 and we did carry it one step farther and we actually did get a NYSDEC wetland disturbance permit for the proposed activities on those lots and we do have the permit in hand. Mr. Higgins asked is Lot #2 building footprint within the 100 FT buffer? Mr. Rabideau stated the following: That is correct. The mapping that you have is what we presented for the permit and they basically said that that was okay. Mr. Higgins stated so; you're planning on building within the 100 FT buffer. Mr. Rabideau stated that is correct. Mr. Higgins stated the following: Is there a reason why you just can't move it a few feet? Is it constrained lands? Mr. Rabideau stated no, that is basically a proposed location of that and I think the

reasoning was just more for the impact between Lot #1 and Lot #2 as far as developmental purposes and the NYSDEC didn't seem to have a problem having this house where it is located or proposed. Mr. Higgins stated again, I'm just asking the question; why can't you just move it 20 or 30 FT out of the wetland 100 FT buffer and that's why I asked if there were constraints on-site that you can't do that. Mr. Rabideau stated the following: There are no constraints per say on the site to move it back. So, we can move it back. Mr. Roberts stated just to keep it clean it would be a good idea. Mr. Nadeau asked Mrs. Murphy how are we able to approve that if it is in the 100 FT buffer? Mrs. Murphy stated the following: I've been a copy of the NYSDEC permit and I will research that issue. It is my understanding that based on this new information, the Board was going to reschedule the public hearing just so that all the accurate information is out there for public comment and that will give me an opportunity to research that issue. It sounds like they are willing to build it outside of a 50 FT area, but I will look at the issue. Mr. Nadeau stated that being said, do we want to set a public hearing until you have review that should your review come back and say no, we cannot allow it and then he would have to change his map for the public hearing. Mr. Higgins stated or is he planning on changing it before the public hearing? Mr. Rabideau stated basically you are asking to move the proposed house out of the 100 FT adjacent area, is that correct? Mr. Roberts stated yes. Mr. Rabideau stated yes, we can push that back. Mr. Nadeau stated more so; I'm asking the question; are we able to approve something within that 100 FT buffer and that is what our attorney is going to review. Mr. Rabideau stated as far as the NYSDEC is concerned, they have no problem with it. Mr. Nadeau stated well, that's okay with them. Mr. Roberts stated well, he did say he would move the house so, that's a moot point. Mr. Nadeau stated sure, if he wants to. Mr. Rabideau stated yes, we can move that back.

Mr. Nadeau made a motion to set a public hearing for the February 24, 2014 Planning Board meeting. Mr. Higgins seconded. All-Aye. Motion carried.

13.098 OB Lussier Site Plan Development, 1385 Crescent-Vischer Ferry Road – Commercial Site Plan

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing the Lussier Site Plan located at 1385 Crescent-Vischer Ferry Road. We are working with Lansing Engineering on this and they were unable to make it to tonight's meeting due to other commitments. The Planning Board has seen the first concept of this site plan and one of the Board's major concerns was regarding the location of proposed building in the front. The Board wanted Lansing Engineering to look at putting all the parking in the rear of the proposed building in the front. They tried that and they ended up with a situation where because of the building setback line, they were not able to put all the parking in the back and they still ended up with some parking in the front and backing in the back as you saw in their first presentation. So, they came up with this concept of pushing the building farther and actually putting the parking in the front and the advantages of that is to decrease the impervious surface that would be required by having all the parking in the front. They would put a vegetated buffer in the front with evergreens and things of that nature that would be anywhere from 5 FT wide to 8 FT wide. Also, the Board's second major concern was the vehicle display area for the used cars. The first proposal that the Board looked at had the sales in the front of the building and now they have been moved to where you pull into the site on the left hand side and that's a huge improvement there. As far as the building is concerned; the first floor would be for retail and also part of that would be utilized for the used car sales for Mrs. Lussier. The second floor would stay as general office space. I believe those were the major concerns and I know there were other concerns, but just ask and they have made some changes. Mr. Roberts stated I stopped at the site and while I was down there I could

see why they can't put the parking in the rear of the site, but thank you for trying. Mr. Higgins asked where are the spots that are going to be retained for the used car sales? Mr. Rabideau stated the following: As you turn into the entrance on the site, the first 10 spots along the left hand side. The advantage of that is when people are looking at the cars, they have a tendency to stop their vehicles and look at them and this way it gets the people that are looking at these cars off the road and they would now be actually on the site looking at the cars instead of having the used car sales, as in the first proposal, in the front of the building. So, those spaces are strictly for the retail space and the general offices. Mr. Roberts stated so; this should clean up the site better than it was before. Mr. Rabideau stated absolutely and it takes away kind of that hodgepodge parking that everybody had and especially with that landscaped buffering between the road and the parking. So, now there is only one entrance to the site and that should really clean up this parking on the road and things of that nature. Mr. Nadeau stated with that buffering in the front with the plantings, are those plantings really going to be able to survive and how close are they actually to the road when the Town or whoever is plowing? Mr. Rabideau stated looking at the photo; I would say 12 to 15 FT from the white line on the road. Mr. Nadeau stated I want to use the side of the road and not the white line. Mr. Rabideau stated I would say 5 FT from what I'm seeing here. Mr. Nadeau stated I was just concerned because I'm thinking whatever is going to be there, would it really survive that close to the road? Mr. Rabideau stated it's going to have to be hardy. Mr. Nadeau stated or could you maybe put them in a planter to keep them up a little bit or something or maybe a slight berm? Mr. Rabideau stated basically there has to be something there and I will bring it to their attention to see if they can come up with something for survivability. Mr. Nadeau stated it looks fine, it's just that my question was, do you think it really will survive? Mr. Roberts stated we are going to refer this to CHA anyway so; they can have some comments also. Mr. Higgins stated the following: As far as the new building; there is an elevator. Is that a personal elevator or is that to bring cars up to the second floor? Mr. Rabideau stated that is a personal elevator. Mr. Higgins stated the following: The building is 5,000 SF. So; that's 2,500 SF per floor, correct? Mr. Rabideau stated they have it set up as 2,800 SF per floor, but I guess there is 450 FT for the stair/elevator foyer type deal. So; it's down to 2,350 SF per floor actual space. Mr. Higgins stated that is a huge amount of space for a used car dealership. Mr. Rabideau stated the following: What they are doing is a portion of the first floor would be utilized for used car sales and the other portion of the building will either be for one business or two. As far as I know at this point in time, he does have an active person looking at this for retail space on the first floor. So, a portion of it would definitely be for the used car sales and the other portion would be more or less like a flex space for one or two businesses. Mr. Higgins asked how are you determining the parking not knowing what the applications are? Mr. Rabideau stated the parking is based on the square footage. Mr. Higgins stated so; are you basing it on the retail? Mr. Rabideau stated yes, retail. Mr. Higgins stated I know Mr. Roberts mentioned that you really can't put the parking in the back and asked if that was due to constraints on the site. Mr. Roberts stated yes, there is a hill back there. Mr. Higgins stated the following: Obviously, it's a site that we're trying to do something with and I'm just trying to see in my own mind whether or not if some parking in the rear would work better for the office space on the second floor and keep some of the parking in the front for the retail. I don't know. If it can't be done, it can't be done. Mr. Roberts asked Mr. Bianchino to look at that when he does his review. Mr. Bianchino stated yes. Mr. Nadeau stated I think when we did that first building, there were issues on that large hill in the back and they spent a lot of time trying to correct that to make it work. So, I think it probably falls in that same category. Mr. Higgins stated okay, again because not actually being at the site, I just thought it would be a lot smoother if we could split the parking in the front and the rear, but if we can't, we can't. Mr. Roberts stated it would be, but it's not conducive. Mr. Higgins stated and I agree with Mr. Nadeau

as far as the buffer or the greenspace with trying to do something that is going to live. Mr. Rabideau stated okay. Mr. Marlow stated for clarification; when we did the parking calculations and when I talked to Mr. Lussier the first time around, he implied to me that the first floor would be for retail and the second floor be for office space. So, the parking calculation that we have as far as requirements is based off that requirement for the 2,350 SF for the office space and the 2,350 SF for retail because retail does require one parking space per employee. So, right now Mr. Lussier projects only a few employees between the two retail spaces and I know they added another 6 or 8 parking spots from the original plan and they are up to 92 parking spots now. So, when Mr. Lussier comes in with a tenant the Board is going to have to be aware of that and kind of field out how many employees he has and think about that when the parking comes around for the next time. Mr. Roberts stated to Mr. Rabideau that he might want to let the owner know as well because that is going to be a concern. Mr. Rabideau stated okay.

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

08.068 OB Plant Road Estates PDD, 91 Plant Road – Major Subdivision/PDD

Mr. Mike McNamara from the Environmental Design Partnership stated the following: I'm here tonight representing TRA-TOM Development for Plant Road Estates. The project was granted preliminary approval by this Board in April of 2013. Since that time we have sent this project to the Saratoga County Sewer District, the New York State Department of Health (NYSDOH) and the New York State Department of Environmental Conservation (NYSDEC). We have received comments from each of those agencies, we have responded to those comments and they are now all prepared to sign-off on the plan. We copied CHA with all of the correspondence that took place between all of those agencies. In September we came back to this Board for a revised site plan approval for the recreation area. The change that we made was that we went from a clubhouse and a pool to lesser impact configuration with a pavilion and a gazebo and the Board did approve that change with three conditions; (1) a note be placed on the plan that the maintenance and snow removal be the responsibility of the Homeowner's Association (HOA), which we have done; (2) you asked us to go to the postmaster to make sure that the postmaster was okay with us having mail kiosk on both the east and west side of the road, which we have done and they are; (3) the installation of a 20-space parking lot for the pavilion, which we have done. We sent that plan to Mr. Bianchino and he has produced a comment letter, which we responded to and it was to his satisfaction. Lastly; we did delineate construction phases on the project and we are going to do it in three construction phases, however, it will all be filed at one time. The first phase will be 99-units on the west side of Plant Road, the second phase is on the east side of Plant Road and that will be 33-units and the final phase will be in the back and that would be the last 18-units. As part of the first phase we will also be doing the public benefit, which would be intersection improvements on Plant Road at both the north and south end. Those plans have been finalized by Creighton Manning who has also been working with Mr. Bianchino's office. We have obtained all of the necessary easements to perform that work that will be done before moving onto the second phase. We'd like to request final approval as there are no outstanding comments from any of the agencies. Mr. Higgins asked what is the timeframe for phase 1 for full buildout? Mr. McNamara stated the following: For full buildout, obviously the construction would be done before the end of the year on the infrastructure. The 99-units would probably take at least a couple of years. Mr. Higgins stated the following: I have a problem with the fact that none of the off-site improvements or the roadwork is going to be done until the end of phase 1. I think that the neighbors that were here for the public hearings all cited concerns with traffic and everything else. Three or four years down the road for those improvements to be completed, in my personal opinion, are not soon enough. Mr. McNamara

stated that was the condition during the preliminary approvals that they had to be done by the end of phase 1. Mr. Higgins stated yes, but we didn't know how many units were going to be in phase 1 at that time. Mr. McNamara stated right. Mr. Higgins stated now the majority of the project is going to be done before those improvements are ever done. Mr. McNamara stated the following: Right, the intersection improvements are a public benefit and they are not necessary for this project. They were developed looking long-term for the full buildout of Plant Road. Mr. Higgins stated because of the traffic in the area. Mr. Nadeau stated I will have to agree with Mr. Higgins because the objective obviously is to correct some of those intersection problems with Plant Road as we know is a busy road. Mr. Higgins stated the following: Either that or if you want to set a timeframe on when those off-site improvements can be completed and have it bonded so that we're sure that that stuff is done. As far as waiting until the end of phase 1, I'm not comfortable with that. Mr. Roberts stated right, that's waiting for too many units and that is way too long. Mr. Higgins stated it's too unknown because it could be years down the road. Mr. Roberts stated I agree. Mr. Nadeau stated are you saying if something were to occur where the development got half built or three-quarters done? Mr. Higgins stated or if they get up to 98-units and then walk away. Mr. Nadeau stated right, I see your concern. Mr. Higgins stated I'm not saying that that is going to happen, but we have seen similar situations. Mr. McNamara stated the following: Well, we would like to keep the phase 1 that we have delineated now because it kind of makes sense for the infrastructure. Would the Board be happy if we conditioned the intersection improvements on two-thirds of the units? So, instead of 99-units, it would be 60-units. Mr. Higgins stated the following: How about half because for half the units, you'll be looking at 3 years down the road. You know and you've seen it before where things happen. Mr. McNamara stated you said half so, after the 50th unit? Mr. Higgins stated 50 yes. Mr. McNamara stated okay and if the 50th unit is sold in early December, would we have until the spring to start the intersection improvements or how would that work? Mrs. Murphy stated we wouldn't issue a C.O. on the 51st unit until those improvements were done. Mr. McNamara stated okay, that would have to be done before we could move on. Mr. Roberts stated right, so you'll get 50 and then nothing happens until the intersection improvements are done. Mr. McNamara stated we're okay with that. Mr. Higgins stated you understand where we are coming from because there was an awful lot of public comment about the off-site improvements and the benefits and we just want to make sure that it gets done. Mr. Ruchlicki stated I think everything has been covered and I'm satisfied with the 50-units being the trigger point. Mr. Partlow stated I'm satisfied as well.

Mr. Higgins made a motion to approve the major subdivision/PDD application for the Plant Road Estates PDD with the following condition(s): All off-site improvements and/or public benefits must be completed prior to the issuance of a Certificate of Occupancy (C.O.) for the 51st unit of phase 1. Mr. Partlow seconded. Motion carried. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the February 10, 2014 Planning Board Meeting at 7:59pm. Mr. Partlow seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary