

Town of Halfmoon Planning Board

December 12, 2011 Minutes

Those present at the December 12, 2011 Planning Board meeting were:

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

Senior Planner: Jeff Williams

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the December 12, 2011 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 28, 2011 Planning Board Minutes. Mr. Berkowitz made a motion to approve the November 28, 2011 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

New Business:

11.140 NB Anna's Place Residential PDD, 95 Werner Road – Multi-Family PDD

Mr. Scott Lansing, of Lansing Engineering, stated the following: We're here tonight to introduce Anna's Place to the Board. We're here to hear questions and comments from the Board and we would like to ask the Board's consideration for a referral to CHA for review of the project. Background on the project: It is a single parcel that is approximately 19.25-acres located on Werner Road. The parcel currently has one single-family residence located in the front portion of the parcel and the balance of the parcel is wooded and vacant. The underlying zoning for the parcel is Agricultural-Residential (A-R). The applicant is proposing a Planned Development District (PDD) for the overall parcel. As a part of the PDD we are proposing one single-family lot in the front and that would be subdivided to meet the A-R requirements and the intent of that lot is to construct a home for the existing property owner to reside at. The balance of the parcel would included 15 apartments buildings with 11-units per building for a total of 165-units overall. Access to this site is proposed from Werner Road with one curb cut and we are proposing a boulevard style entrance and then essentially a loop around that would service all the units. We are also proposing a secondary access, an emergency access to the roadway to the south that was done as part of the Pipino project, which was a previous application. I believe this is constructed right now with a temporary turnaround or a turnaround at the end and we propose to connect to that for an emergency access route with perhaps a breakaway gate at each end on that roadway. As far as

the underlying density for the project; we did take a look at the overall parcel of 19.25-acres and we did subtract out unusable land, Federal and State wetlands, slopes greater than 15% and roadways and right-of-ways and we did come up with a buildable acreage of 16.58-acres. The zoning does outline a maximum of 10-units per gross acre. So, under the PDD legislation it does outline a maximum number of units and that would be approximately 193-units and again, we are proposing 165-units. We are proposing approximately 58% greenspace on the parcel and we did try to put a lot of the greenspace in the front portion of the project so we could screen the project from Werner Road. We did try to put a hook on the main boulevard coming in so there would not be a clear sight line into the project. We would also have a wooded and planted area in the main entranceway. So, we do feel that from Werner Road the project would not be very visible with the greenspace. In addition, we do have greenspace in the center portion of the project that would kind of be a center gathering area. We are showing conceptually a gazebo for a gathering area and we would do some of the stormwater management in that area as well. There would be public water and sewer extended from Werner Road into the project. Stormwater would be in accordance with the new stormwater regulations infiltrating a lot of the water where it falls and we also have allocation for potential stormwater management areas as needed for whatever we cannot infiltrate in directly. Mr. Higgins asked what would the density be if there were single-family homes? Mr. Lansing stated we initially did a layout and I think it was in the range of 35 to 40 homes with about 40 homes maximum. Mr. Higgins asked would that take into consideration the topography and wetlands and everything? Mr. Lansing stated yes. Mr. Higgins asked are you envisioning the center park area to be open to the public? Mr. Lansing stated to the public no; it would be a central gathering area for the residents of the project. Mr. Higgins stated the way I understood the write-up it said that you were anticipating that to be part of the public benefit. Mr. Lansing stated the following: The applicant is working with the Town Board to develop exactly what the public benefit would be and we were just trying to outline some of the amenities of the project. The proposed significant amount of openspace in the front of the project and the center of the project is just something that we listed in there as a community benefit. Mr. Higgins stated okay, because in our write-up it said that that was part of the public benefits; so that was incorrect. Mr. Higgins asked what about sight distance? Mr. Lansing stated we did have Creighton-Manning take a look at it and the area where we are proposing the curb cut is the maximum area of sight distance. Mr. Higgins asked how about that house right on the road just down a little bit? Mr. Lansing stated they did take that into consideration and they did achieve maximum sight distance at this location with that house in the way. Mr. Watts asked what do you mean by maximum sight distance? Mr. Lansing stated the following: I would have to look at exactly what Creighton-Manning had but I believe they do meet the sight distance for the speed limit. I apologize that I don't have that information with me tonight but we will provide that to you. Mr. Watts stated you mean minimum not maximum. Mr. Lansing stated I apologize I should have said that we maximized the sight distance by relocating the driveway in this location. Mr. Ouimet asked are you contemplating doing a traffic study? Mr. Lansing stated we do not anticipate doing one. Mr. Ouimet stated it seems to me that there is going to be a sufficient number of vehicle trips out of that complex when it is fully built out so you might want to take a look at that. Mr. Lansing stated okay, we can do that. Mr. Higgins stated that house is right on the road. Mr. Lansing stated it is; it's over the right-of-way line. Mr. Higgins stated the following: It's right on the little hill there. I don't know what they saw as far as the sight distance but as Mr. Watts said it's a minimum not a maximum by any means. Mr. Nadeau asked what direction do you anticipate the traffic going in? Mr. Lansing stated the following: I feel it would either go out Werner Road to Route 146 or up Werner Road to Farm to Market Road and out to Route 9. I'm not sure that anyone would really cut through Cemetery Road but I'm not a traffic engineer so it's kind of a guess on my part. Mr. Nadeau stated you might

want to take a look at that because where they both meet at the triangle that is a tricky intersection at that point. Also, if a lot of the people were to go to that area, is it possible to look into that intersection and maybe reconfigure it or do something with it. Mr. Lansing stated okay, we will look into that. Mr. Higgins stated the following: Before we refer this to CHA, is this density necessary to make this project go? The reason why I'm asking is because several of us are familiar with that road and that road cannot handle the amount of traffic that's on it now and you're talking about adding a considerable amount of more traffic. I go out that road a lot of times and when you get out by the NYSEG Park and you'll sit there for 2 or 3 minutes trying to make a left hand turn with the existing traffic. I for one think it just seems like an awful lot for that site without road improvements in that area. Mr. Bruce Tanski, the applicant stated the following: I travel that road 2 or 3 times a day and to a certain point I do agree with Mr. Higgins but everybody on Route 146 has a problem turning left onto Route 146. So, I don't think this is going to exacerbate the situation at all. As far as the density goes, we need this type of density so that we can take care of certain public benefits that the Town Board is going require. I can't go in there and build 80 or 90 units and still do a public benefit because it just isn't cost effective. I know you had asked the question about single-family homes and I sold a handful of homes last year and if that were my only endeavor, I would have been out of business. So, people can't afford to buy homes today like they used to and we are renting a lot of apartments and it seems to be the way to go. So, basically that is it. We cut the density down from where it was and we met with Mrs. Zepko and some other people and this is what we feel we need to make it work. Whether it will or not, that is a decision that the Board's have to make up. Mr. Higgins stated the following: The State and the County have told the Town time and time again that they are not going to support us as far as trying to do road improvements. Then we hear from residents that they're complaining already about traffic. So, we're caught in the middle. Mr. Tanski asked so does that mean that I'm not suppose to do anything with a piece of property that I own because the State's not going to come in and justify it? Mr. Higgins stated the following: No, but also we have to be concerned about safety considerations in that area. We don't want to get to the point where people start having accidents all the time because of traffic considerations. Mr. Tanski stated the following: I understand that but again, not to be redundant, but everybody that comes out on Route 146 to take a left hand turn has to wait in the morning. So, I don't think this situation is going to change whether we do something there or not. Mr. Higgins stated it's just going to make it worse. Mr. Tanski stated that remains to be seen. Mr. Watts stated the following: I think it was brought up relative to a traffic study, which has not been done to this point. What would be the sequence for the traffic study if this were referred to CHA? Mr. Bianchino stated the following: The normal procedure as part of our initial review is that we would look at it as it relates to current standards. If we felt that the intersections in the area were appropriate or needed and the density was such that it warranted a traffic study, we would recommend that one be done. That's usually part of our initial concept look at this as we are starting the State Environmental Quality Review Act (SEQRA) process. Mr. Watts stated so at this point if we refer this to CHA, the concerns of the Board have been evidenced relative to traffic and density, which is a standard concern that we raise at most projects unless they're extremely small, that would then kick that off for the look that would go on. Mr. Ouimet stated the following: I don't think the request for a traffic study should be left up to CHA to make. I think the issues that Mr. Higgins' has raised about density; the issues of the number of trips and the sight distance on the one way in and the one way out all raise concerns that could be satisfied by a traffic study. I don't know of any other way to really look at those issues other than to have a traffic study. So, I would rather not refer it to CHA and then hope that CHA says yes and agrees with the Board that we need a traffic study. I definitely think we need a traffic study. Mr. Berkowitz asked Mr. Tanski what was being discussed regarding the public benefits for this project. Mr. Tanski stated the

following: Initially one of the benefits was with something that Mr. Nadeau had talked about as far as maybe straightening out the end of Werner Road where it meets Cemetery Road. There is also a waterline extension that's being talked about in a part of the Town that needs it desperately. So, these are some of the things that we have been talking about. Mr. Berkowitz asked has anything been settled on that yet? Mr. Tanski stated the following: No because we don't know where we are going. Obviously, if the density gets reduced to the point where this is impossible, then (A) we can't do the improvements and (B) we can't build the units because to go in there with 80 or 90 units, it just isn't cost effective. Mr. Higgins asked is this part of the Generic Environmental Impact Statement (GEIS) area? Mr. Tanski stated no it is not. Mr. Nadeau asked how many units would be allowed in a subdivision? Mr. Tanski stated I think it is 35 to 40. Mr. Watts stated we will refer this to CHA with a recommendation from the Planning Board for close scrutiny of the need for a traffic study. Mr. Tanski stated I would like the Board to be aware that the name of this proposed project is Anna's Place of Halfmoon and not Anna Place of Halfmoon.

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

11.141 NB Homestead Funding, 1407 Route 9 (Nine North) – Sign

The applicant was not present for this application; therefore, no action was taken on this item.

11.142 NB Country Dollar Plaza/Rayvas, Inc., 217 & 225 Guideboard Road – Lot Line Adjustment

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm before the Board tonight for a lot line adjustment between the County Dollar Plaza LLC and the Lands of Rayvas, Inc. located at 217 and 225 Guideboard Road. The proposal tonight is to annex approximately ½-acre of land from Rayvas, Inc. to the Lands of Country Dollar Plaza LLC. The purpose of the transfer of lands is to make sure that all of the improvements associated with Gil's Garage site plan that was approved by the Planning Board a couple of months ago is all on one parcel. This was one of the stipulations for the approval of Gil's Garage that it be located all on one parcel.

Mr. Roberts made a motion to set a public hearing for the January 9, 2012 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

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

Mr. Bob Marini, Jr., of Marini Builders, stated the following: I'm here this evening to present the Linden Village PDD project. I think this project was informally presented to this Board some time ago as two separate projects, which was Gateway Village. Gateway Village was comprised of the Lands of Hoffman and then Linden Village, which is the former Lands of Bole. This project has now been combined into one large project called Linden Village. It previously contained some other lands, which has been dropped from the subdivision plan that you see here tonight. The project is bordered on the west by the Northway, Crescent Vischer-Ferry Road to the south, Dunsbach Road and some residential properties to the east and residential and vacant land to the north. The project is situated on 102-acres and is located in the (R-1) Residential district and (LI-C) Light Industrial/Commercial. It is also within the limits of the Saratoga County Sewer District #1 (SCSD#1) and the water district zone 2. When the project is completed it would be comprised of 394 apartment units and I have a rendering of what the proposed apartments are going to look like. There is a plan for 56 condominium units and 18 twin homes. There is 52.9-acres of land preservation area or 52% of the entire parcel. The yellow portion on the plans is the driving range,

which is part of the land preservation area, which is shown in a different color because it is going to remain as the driving range. That all adds up to a density of 6.6-units per unconstrained acre. The project would be served by a Town Road, Linden Park Drive and Placid Place, which is where the twin homes would be located. The apartments and the condominiums would all be serviced with private roads. Some of the major refinements to the project is the use of Dunsbach Road for ingress and egress to the project. We've eliminated the blind curve in Dunsbach Road and made a T-intersection, which would actually calm the traffic in this area and provide for a better flow of traffic. There is a widening and an improvement easterly and westerly on Crescent Vischer-Ferry Road that will add turning lanes to the east and to the west of the intersection. There is a realignment of Morris Lane, which currently comes in at an angle to Crescent Vischer-Ferry Road and that would be squared up. There is a proposed 18 FT wide multi-use emergency access road from the residential area and from the end of Linden Park Drive. The residents of this community would have an 18 FT road that would come down to a parking area where they would be able to access the commercial amenities that are in that area and a crash gate would be installed at the end of that road so no through traffic could go through to this area. There is also a very considerable and large setback area of woods and forested area between the Northway and the apartment projects. I think the closest that we come to the Northway is about 400 FT from a building to the Northway. So we really worked on keeping the footprints and the developable area smaller and that's why we went with a 3-story and elevator service department building as opposed to a 2-story because we can condense the development area. We would have pedestrian access to all of the areas with McDonald's, the Hess Mart, the driving range and the post office. We have vast areas of openspace and a land preservation area. The proximity to the Northway and the Park and Ride is just to the west of the Northway area. The area shown in blue is not part of the project but has been set aside, as of right, for a commercial development on the Hoffman parcel, which is a hotel and restaurant and I believe all they would need is a site plan approval for that area. Everything that we have done as far as engineering is concerned on this project has incorporated what is planned to go here so that the need for sewer, water, traffic and everything else all takes into consideration what is shown there in blue. That is an overview of the project and at this time I'll open it up to the Board for questions. Mr. Roberts stated when you mentioned the turning lanes, is there enough land available to do the turning lanes as it or do you have to acquire property for that? Mr. Marini stated the following: No, we have enough land to create those turning lanes without acquiring any property. We did have to acquire some property and we have agreements in place from the Hatter Mobile Home Park and from a private property owner to make this realignment on Dunsbach Road. Mr. Roberts asked are you okay on Crescent Vischer-Ferry Road? Mr. Marini stated yes. Mr. Higgins asked is this going to trigger a need for a traffic light on Dunsbach Road? Mr. Marini stated I will let Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, answer that because there was a comprehensive traffic study done and several meetings with the New York State Department of Transportation (NYSDOT) and they actually had a recommendation based on the traffic study. Mr. Zdrahal stated the following: There is a long planning story on this project as far as the access to the development itself. We have investigated this in the past on several occasions. One was right next to McDonald's and, another one was next to the Hess Mart and for various reasons we ended up bringing out to Dunsbach Road. We have presented in our documentation a complete traffic study and the comments that the NYSDOT made and the responses to their comments. Basically this project is saying that they would install a traffic light. However, there is a question when the warrant of the installation of the traffic light would be satisfied by and allowed by the NYSDOT. So, that is a stoppage in the traffic study but the bottom line is that the project is prepared to install light there when NYSDOT allows us to do that. Mr. Ouimet asked are you saying that a traffic study has already been done? Mr. Zdrahal stated yes it

has been done. Mr. Berkowitz asked was that done with the knowledge of the Krause's (Halfmoon Village & Yacht Club) using that intersection? Mr. Zdrahal stated the traffic study reflects the traffic generated by the Krause's and a few other projects and that is all identified in the traffic study. Mr. Higgins stated you said you looked at an access road going out in between the area of McDonald's and the Hess Mart and another one in the area of Mabey's Storage. Mr. Zdrahal stated the NYSDOT didn't like the McDonald's/Hess location because it was too close to the Northway interchange and we couldn't do the Mabey property because we couldn't work out an agreement. Mr. Higgins asked at the McDonald's location were you looking at both a right and left hand turn out or just a right turn out? Mr. Zdrahal stated at McDonald's it was a full service intersection. Mr. Higgins asked so is there the possibility for a right turn only out at the McDonald's location? Mr. Zdrahal stated at this point we are not putting any traffic into that area. Mr. Higgins stated I know the last time when we looked at a major development in that area; it has always been because of the amount of traffic that Dunsbach can handle and when you look at the density with this proposed project plus future development along Dunsbach, even with a traffic light there, you're still going to have a horrendous amount of traffic. Mr. Zdrahal stated we have submitted documentation for the project proposing to improve the intersection of Dunsbach Road including visibility alignment. Mr. Berkowitz asked is that all going to be widened and repaved. Mr. Zdrahal stated yes. Mr. Higgins stated but it still is only going to be one lane each way, correct? Mr. Zdrahal stated it would be two lanes. Mr. Higgins asked two ways each lane from that entrance all the way down? Mr. Zdrahal stated it would be a two-lane roadway, not a four lane. Mr. Ouimet stated basically it would be a two-lane country road. Mr. Higgins stated so you're going to widen the country road that already has problems. Mr. Ouimet stated the following: I've traveled that road everyday for 15 years so I could tell you exactly what it is. I have a question about the reconfiguration of the entrance. That is at the base of a steep hill with a curve in it and asked what are you planning on doing on straightening out that curve and that steep hill? I think the way you have it portrayed in the drawing is misleading because you don't have that much room on the road with the distance between where you're proposing to come in, which I assume is near where the existing road is for the trailer park that is across the way that is on the same side as your project. So, you're proposing to enter Dunsbach Road right before that road, correct? Mr. Zdrahal stated this road would continue into the project as a Town road. Mr. Ouimet stated follow it from Dunsbach on the east side going east to west and asked where are you going to start to reconstruct Dunsbach? Mr. Zdrahal stated it would start where the plan shows the darker shading. Mr. Ouimet stated in relation to the steep upgrade on Dunsbach Road right before you make the turn to the left to enter the trailer park area, there is a hill that comes up. Mr. Zdrahal stated I think I know what you mean but the hill is further down. Mr. Ouimet stated I just want you to show me where the hill is in relation to that. Mr. Zdrahal stated it kind of goes down. Mr. Ouimet asked has the sight distance been reviewed there too as far as the hill? Mr. Zdrahal stated yes but we did look at the stopping sight distance and there would be stop signs at the intersection. Mr. Ouimet stated the following: Have you looked at the road from the perspective of a car coming east to west going towards Vischer-Ferry Road? What are they going to see? They're going to come up that hill, they're going to make that turn, it's going to be sharp, and it's going to be slippery winter. Mr. Zdrahal stated from here it would be level driving and I have looked at that many times. Mr. Ouimet asked are you actually moving Dunsbach Road to the north slightly? Mr. Zdrahal stated yes we are, quite a bit actually. Mr. Ouimet asked how many cars per day do you anticipate coming out of this project when it's fully built? Mr. Zdrahal stated I don't remember but that number is in the traffic study. Mr. Ouimet stated so the number of cars could very well raise the question of whether or not the density is too dense for that area because I don't know how many cars are going out. Mr. Zdrahal stated the traffic study is representing the project as it's

going to impact the Town roads as it enters on Dunsbach Road and as it enters Crescent Vischer-Ferry Road. Mr. Ouimet stated just so I understand exactly what you're going to do; you're going to take all the traffic from the development and you are going to put it out onto Dunsbach Road, is that correct? Mr. Zdrahal stated correct. Mr. Ouimet stated so all the traffic would come out on Dunsbach Road. Mr. Zdrahal stated right. Mr. Ouimet stated the following: So, all the services that they're going to have to access from Dunsbach Road is either going to be off the Northway or are they going to be traveling down to Route 9 or are they going to be traveling Dunsbach Road to Woodin Road and out Woodin Road to the Northway that way to access northern based services? I'm sure that you have looked at all of this. Mr. Zdrahal stated I'm not exactly sure on how you envision it or what your opinion is of Dunsbach Road and Dunsbach Road would be a collector road and it is not a country lane. Mr. Ouimet stated what I'm trying to get into my head is how one country road with one place of ingress and egress is going to handle traffic from a project that size. Mr. Zdrahal stated basically the improvements that we're proposing are sufficient to handle the traffic flow that is on Dunsbach Road now and the traffic flow that would be added by the project. Mr. Ouimet stated the following: And it make no practical sense to have a secondary way out by McDonald's or the post office or through that circular exchange that you have there because you're not going to use that road. It's just going to be there in case of an emergency, right? Mr. Zdrahal stated right. Mr. Ouimet stated so you're going to force all the traffic out onto Dunsbach Road. Mr. Zdrahal stated right. Mr. Watts asked Mr. Bianchino if the traffic study was received by CHA. Mr. Bianchino stated yes. Mr. Watts asked Mr. Bianchino if that traffic study has been reviewed by CHA yet. Mr. Bianchino state no it has not been reviewed yet. Mr. Watts stated the following: I'm looking at the map that you gave us and there was reference made to this area that's marked "land preservation area" next to the golf driving range. Then moving over a little further I think it says "hotel" and "restaurant". Where would traffic enter and exit for that possible future development? Mr. Zdrahal stated they would utilize Progress Drive. Mr. Watts stated so they would be requesting from us to use the entrance that currently goes by the post office. Mr. Zdrahal stated correct. Mr. Watts stated the following: Okay, because people who might be living in this project would go over there because they were talking about sort of a self-contained thing with shops and retail. I know these things have had a number of iterations but the people who might reside in Linden Village would be using that but then are people from Linden Village going to be able to get through there when this is builtout with their traffic to get to Progress Drive? Mr. Zdrahal this was a big NYSDOT concern that there is no through traffic here. We are planning to have the emergency access, which would be utilized as a public trail, so people could access this area from Linden Village, there wouldn't be any vehicular traffic but they could walk or ride bikes to there. But there would be no through vehicular traffic. Mr. Watts stated the following: So, perhaps the proposal is somewhere down the road in the future. Whoever has that property may be coming before this Planning Board for a hotel, retail and restaurant with traffic filtering out past the post office to get in and out of there, is that correct? Mr. Zdrahal stated the following: That is correct. We had a meeting with the NYSDOT and they were not particular concerned with having the restaurant and the hotel traffic. Mr. Berkowitz asked was the NYSDOT concerned about having a road go through a parking lot? Mr. Zdrahal stated we are not proposing that road. Mr. Berkowitz stated would the NYSDOT be concerned about this road from Progress Drive going through Hoffman's pro-shop to the parking lot and up through that little multi-use road? Mr. Zdrahal stated the NYSDOT didn't want to have that shortcut and we wanted to have the connection there for a secondary access but the NYSDOT didn't want to have the residents who live here to cut through to the Northway that way. Mr. Berkowitz stated but if this was no longer a parking lot and if they relocated that parking lot and you made that a road, would that be more attainable to them? Mr. Zdrahal stated the NYSDOT would prefer if the traffic ended up in another location. Mr. Berkowitz asked at that intersection

are you proposing turning lanes on Dunsbach Road with left hand turning lanes also? Mr. Zdrahal stated no, the traffic study doesn't say that that is required on Dunsbach Road. Mr. Watts stated the following: I would like to make a point relative to traffic studies, which I have made in the past. The traffic study would be prepared by a firm that is hired by the developer and they give their best thinking. We refer that traffic study along with all other information onto our Town engineers who review this traffic study as well, correct? Mr. Zdrahal stated yes. Mr. Watts stated the following: I just want to make the point that traffic studies tend to be in favor of the development even though they do say they meet all the standards whatever they are. The traffic study is prepared at the behest of the developer. So, the questions we're asking are to merely say there was a traffic study and it said; okay that's fine, now we'll move on and then other people are going to review this with the Planning Board's concerns because that's how it works. Mr. Zdrahal stated I understand. Mr. Berkowitz stated the following: The reason why I'm asking that is because you have a two-lane road on Dunsbach Road, which is going to be a collector road now. If people want to go left onto Crescent Vischer-Ferry Road to Route 9 and there's a lot of traffic on Crescent Vischer-Ferry Road, you are going to have people stacking up on Dunsbach Road waiting for the person to go left towards Route 9. Mr. Zdrahal stated as Mr. Watts has said, the traffic is based on the traffic flows and another turning lane certainly can be looked into. Mr. Berkowitz asked did the traffic study take that into consideration if you added a turning lane on Dunsbach Road? Because if you added a turning lane there, you would have a stacking area for the people who want to turn left and for the people who want to turn right they could turn right onto the road. That way you could alleviate any stacking up on Dunsbach Road. Mr. Zdrahal stated yes, that would be a good solution. Mr. Berkowitz stated then if the Krause project goes through, they could do the same on the other side. Mr. Zdrahal stated right. Mr. Watts stated and the Krause's could contribute toward the traffic signal, which they had mentioned at a previous meeting that that was on the table. Mr. Berkowitz stated and there are other developments happening on the southern end of Dunsbach Road. Mr. Watts stated the following: As you well understand, we have not just one project at a time to concern ourselves with. We have to take the ones that are on the table plus the vacant lands in the area and how that all works together. Mr. Nadeau stated the following: Going back to Mr. Ouimet's concern was on the traffic, I think what you're find is that when people go out to this intersection and they have to wait quite a long time, it is eventually going start putting a lot more traffic onto Woodin Road because those people won't want to wait that long to get onto Crescent Vischer-Ferry Road. I know Mr. Zdrahal couldn't come up with a percentage as other developers tend to gives us a proportionate idea of what area they're going to use but I think you'll find that will intensify on Woodin Road as well. Mr. Bianchino stated I think the study said it was 60/40%, 40% going north to Woodin Road and 60% coming out to Crescent Vischer-Ferry Road. Mr. Polak stated the following: I would like to get a copy of that traffic study because I have the same concerns that Mr. Nadeau had with all that traffic going north to get on the Northway. I know a majority of the people are not going to fight that intersection and they're going to look for a second means to get out of there especially during peak hours. The other concern I have is with the plan for the vacant area or the land preservation area shown in yellow and asked if that was incorporated into your overall density plan? Mr. Zdrahal stated yes it is. Mr. Polak asked did you include that property to get your density? Mr. Zdrahal stated yes. Mr. Polak asked is Mr. Hoffman aware of what you will never develop or build in that area. Mr. Zdrahal stated yes Mr. Hoffman is aware of that because that property is part of the PDD. Mr. Berkowitz asked in the traffic study did it give any idea on how many residents would go through Essex's Lane (Suffolk Lane) onto Cambridge and over to Woodin Road? Mr. Zdrahal stated the following: That area would be gated and we are proposing that to be a secondary access. Also that would be a part of the on-site public multi-use trail. Mr. Ouimet stated regarding the secondary access that

Mr. Zdrahal just pointed out; would that be gated also? Mr. Zdrahal stated yes, they both would be gated. Mr. Ouimet stated so it's clear that the only place you can go is out to Dunsbach Road. Mr. Zdrahal stated yes. Mr. Ouimet asked have you exhausted every configuration to try to get traffic directly out onto Crescent Vischer-Ferry Road? Mr. Zdrahal stated yes and the traffic engineers would be able to explain that in a lot more detail than I can and also how the NYSDOT feels, as we get further into the review of the project. Mr. Ouimet stated regarding the circle by the land preservation area by the golf driving range area; is that temporary or that emergency access road going to be gated at the circle end and at the driving range/pro-shop end? Mr. Zdrahal stated we are planning to gate it at the Hoffman's driving range parking area so that vehicular traffic can utilize that area without going on the main road. Mr. Ouimet stated to be honest with you that makes no sense to me. Mr. Marini stated the following: There would be a parking area down there too. There would be a parking lot adjacent to the golf driving range for people to park. The people would be able to get out and use the driving range and they would also be able to walk to the other areas. Mr. Ouimet stated the following: Okay so you're going to build a parking lot down there and the turnaround would be built as part of the configuration for the flow of the parking lot. If you're driving along side the preservation area towards that parking area that you just described, is the turnaround there to come back out to go back home going to be through the internal flow of the parking area. Mr. Marini stated no, you would simply back out of the parking space and there is a hammerhead to turnaround. Mr. Nadeau asked what is in place to stop people from using the emergency road to get out of the development. Mr. Marini stated there would be a crash gate there to shut the access off. Mr. Higgins stated it is my understanding that the NYSDOT did not want the residential project accessing Crescent Vischer-Ferry Road but is okay with a hotel and restaurant accessing directly to Crescent Vischer-Ferry Road. Mr. Zdrahal stated that is what is understood. Mr. Watts asked who talked with the NYSDOT. Mr. Zdrahal stated the following: We had a preliminary meeting with NYSDOT along with the Planning Department a year ago or so. We looked at Hess/McDonald's access and access through Mabey's but these points did not work with the NYSDOT or an agreement could not be worked out with other landowners. Mr. Marini stated the following: After all other possible access points were looked at and taken off of consideration, we looked at the improvements needed to Dunsbach Road and the intersection with Crescent Vischer-Ferry Road. We then met with the NYSDOT to discuss these improvements to see if this was a conceivable option for us so that we could proceed with the traffic study with all of the improvements that we are suggesting. Mr. Nadeau stated with 468 units and all entering and exiting at one point on Dunsbach Road seems to be a lot of cars entering onto Dunsbach Road. Mr. Higgins stated I feel with the proposed density and all of the cars utilizing Dunsbach Road is too much. The Board agreed that there is a concern with the only one access for the project and the number of cars that would be utilizing the one road. Mr. Zdrahal stated we are proposing the realignment to Dunsbach Road, improvements of Dunsbach Road to the Crescent Vischer-Ferry Road intersection, the designated turning lanes on Crescent Vischer-Ferry Road to turn onto Dunsbach Road and maybe a traffic light to mitigate the traffic. Mr. Ouimet asked the cars may travel down Dunsbach Road to Woodin Road also. Mrs. Murphy stated Mr. Bianchino stated that 60% of traffic would go toward Crescent Vischer-Ferry Road and 40% would be headed to Woodin Road from the project. Mr. Watts stated we have raised a number of legitimate concerns and I suggest we should refer the proposed project to the engineers for review.

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

11.144 NB Klamsteam Tavern & Marina, 32 Clamsteam Road – Change of Tenant

Mr. Bill Beaudoin, the applicant, stated the following: My partner Mr. Fred Fredricks and my wife Linda are also present for tonight's meeting. We're just requesting a change of tenant for the Klamsteam Tavern. We are not doing any property changes or structural changes. Basically we would operate the business as the Board had approved in the past. We are going to do a lot of cleaning and painting to get the business reopened and try to get the business established again. Mr. Berkowitz asked are the handicap parking spaces marked on the plan? Mr. Beaudoin stated there are no handicap parking spaces there now. Mr. Berkowitz stated you really should have some sort of marked parking there even though it wasn't there before. Mr. Beaudoin asked do you mean just handicap parking? Mr. Berkowitz stated it would be nice if other areas were marked but at the very least I would think that you would need handicap parking spaces. Mr. Beaudoin stated the following: Yes, we can do marked handicap spaces. The parking area is a gravel-based parking lot. Mr. Berkowitz stated all the more need for marked handicap spaces. Mr. Beaudoin stated delineating the parking area would work until the first snowstorm. Mr. Watts stated then you would put up handicap parking signs. Mr. Berkowitz stated or it could be spray-painted. Mr. Beaudoin stated yes we could do that. Mr. Watts stated the following: That would be a requirement. Mr. Beaudoin asked how many handicap parking spaces would we need? Mr. Watts stated we'll look at and we'll let you know. Mr. Beaudoin stated okay. Mr. Roberts asked are you planning on continuing with the same type of use or the same format as the previous owner? Mr. Beaudoin stated the following: We're going to try to push food more than the bar part of it. So, it would be 60/40 or 70/30. Mr. Watts asked has your operation been open lately or has the building been closed? Mr. Beaudoin stated the following: It has been closed for a couple of months now. I think the business has been closed since the end of the summer. Mr. Watts asked did you submit your application for a liquor license? Mr. Beaudoin stated I was waiting for the Planning Board's approval so I could put that in with the packet when I apply for the liquor license. Mr. Watts asked based upon an inquiry that we had, was there a private party at that facility not too long ago? Mr. Beaudoin stated no, we took the business over on November 11, 2011 and we have been at the site working, cleaning and painting but we have not had any parties there. Mr. Nadeau asked will you be having any entertainment with bands or anything like that? Mr. Beaudoin stated we're going to feel that out because previously they have bands on the weekends in the past and that seemed to work out for them. Mr. Watts asked are you going to operate the marina and the docks. Mr. Beaudoin stated yes, the same as it was in the past. Mr. Watts asked do you understand how that works with the dock permits, etc? Mr. Beaudoin stated yes, with the Town right-of-way, the Canal Corp. and all of that. Mr. Watts stated I know when the previous owner did the site plan revision they cleaned up some of problems that had existed there before and they made sure that the cars were parked appropriately and the cars wouldn't be parked on the public highways. Mr. Beaudoin stated that is correct. Mr. Watts stated you have indicated that your hours of operation would be 11:00 am to 1:00 am Monday through Thursday and Friday, Saturday and Sunday 11:00 am to 4:00 am, is that correct? Mr. Beaudoin stated yes, those hours of operation were approved through a previous owner and that worked for them so we will keep it the same. Mr. Berkowitz asked is the septic systems shown on the plan? Mr. Beaudoin stated the following: Yes it is. It goes out the front of the building into a leach field. Mr. Berkowitz stated I don't think that is indicated on the plan. Mr. Beaudoin stated I don't actually know but I know that the septic system has been there forever. As I understand it, there is no Town sewer in that area. Mr. Berkowitz stated the plan is dated 2010; there is a well marked on the plan but there is no septic marked on it. Mr. Beaudoin stated everything that I have that I gave you is all-previous and we submitted exactly the same thing because we didn't want anything to change. Mr. Berkowitz stated we need a plan where the septic system is marked on it. Mr. Watts stated the following: Yes, we'll make

that part of the resolution that the site plan be amended to include the location of the septic system. Also, you didn't mark where your water comes from. Mr. Beaudoin stated its Town water. Mr. Watts stated okay, I'll add that it is Town of Halfmoon water to your application. Mr. Beaudoin stated that is what Mr. Ray Jerome had told me but I'll double check. Mr. Watts stated the following: So, you do have a septic system and asked did you know that the New York State Department of Health (NYSDOH) would be reviewing that usage to make sure everything is okay? Just so you know, I believe they do that as part of their review. Mr. Beaudoin stated yes, that's fine. Mr. Watts stated the owners would be William Beaudoin and Fred Fredericks, right? Mr. Beaudoin stated yes, that is correct. Mr. Watts asked have either of you ever ran establishments before? Mr. Beaudoin stated Mr. Fredericks had Dapper's in Watervliet and the Crazy Crab in Cohoes and I have not. Mr. Watts asked are you going to have a sign? Mr. Beaudoin stated there's a sign that's on the side of the building that has been there forever and we're not going to change any signage. Mr. Watts stated when you advertise; please make sure you say that you are located in Halfmoon. Mr. Beaudoin stated okay.

Mr. Roberts made a motion to approve the change of tenant application for the Klamsteam Tavern & Marina contingent on the applicant supplying a revised site plan showing parking/handicap parking, water service line location and septic system location. Mr. Nadeau seconded. Motion carried.

11.145 NB Tobacco Roll LLC, 1570 Route 9 – Change of Tenant

Mr. Andy Li, the applicant, stated the following: I would like to open up a business in the Soccer Unlimited Plaza located at 1570 Route 9. My hours of operation would be 9:00 am to 8:00 pm Monday through Saturday and 12:00 pm to 6:00 pm on Sunday. Mr. Watts asked what is the nature of your business? Mr. Li stated I would be selling tobacco products. Mr. Watts stated your business narrative stated "Tobacco Roll LLC has been in operation as a franchise business company in the United States for one year. It offers roll-your-own cigarettes and roll-your-own accessories in the Town of Halfmoon and other areas". Mr. Li stated that is correct. Mr. Ouimet asked is there going to be a smoker's lounge there? Mr. Li state no, not inside. Mr. Ouimet asked so you cannot smoke inside? Mr. Li stated no, only outside. Mr. Berkowitz asked are you going to have a smoking area outside? Mr. Li stated yes. Mr. Berkowitz stated the following: Do you realize that you are located right next to a hair salon and also a soccer shop and the soccer shop is full of young children. I don't think they are going to want people smoking outside their doors. Mr. Li stated people can probably smoke on the side of the building. Mr. Berkowitz stated the following: I don't think they are going to want people smoking on the side of the building either. I know if my kids went there I wouldn't want them to see people smoking off to the side of the building. Mr. Li stated okay, I can put up a sign that says "no smoking outside". Mr. Nadeau asked what are the State's regulations on that? Mrs. Murphy stated the following: I'm pretty sure there are State regulations that prohibit smoking within "X" amount of feet of a doorway. I don't know exactly what the State regulations are but that is something that our Code Enforcement Department would have to determine. Mr. Watts stated if you're running a business and somebody wanted to buy the equipment to make their own cigarettes, somebody might say, "what do these things taste like?" Mr. Li stated yes, some people like to taste or sample the product that they want to purchase. Mrs. Murphy stated I could look at that to see what the regulations are and I can also talk to Code Enforcement. Mr. Berkowitz asked do your customers have to show identification to buy the tobacco? Mr. Li stated yes. Mr. Watts asked how old do they have to be? Mr. Li stated 21+. Mr. Watts asked so people below the age of 21 would not be able to make any purchases in this store? Mr. Li stated no. Mr. Watts asked are you going to sell any incense of anything? Mr. Li stated the

following: No, none of that. We would just sell tobacco and would not sell cigars. Mr. Roberts stated I understand roll-your-own cigarette, but what's roll-your-own accessories? Mr. Li stated it is a machine that you put tobacco in and it rolls a cigarette automatically. Mr. Watts stated I have seen some adds and it ends up being about \$15 to \$16 a carton and it's not taxed the same and asked is that basically what it is? Mr. Li stated yes. Mr. Watts stated your market would be for adults who want to purchase tobacco and devices to roll the cigarettes, is that correct? Mr. Li stated yes. Mr. Berkowitz asked have the other tenants in the plaza been notified that your business is going in there? Mr. Li stated no, not yet. Mr. Berkowitz asked so they have no idea that you're going there? Mr. Li stated no but I think the owner has notified them. Mr. Berkowitz asked are you sure and who is the owner of the plaza? Mr. Li stated I don't know the owner's name. Mr. Watts stated your application indicated that Sal Corcione is the property owner and previously the tenant space that you intend to lease was a bicycle shop. Mr. Berkowitz stated this proposal is quite a leap from a bicycle shop. Mr. Watts asked Mrs. Murphy is there any prohibitions regarding this use? Mrs. Murphy stated as far as the smoking area goes, I think that is where you are going to bump into State regulations. If he is going to have a smoking area, I'm sure the State regulates ventilation and where it can be located. Mr. Watts stated so if any of your customer's wish to smoke, they would have to go outside. Mr. Li stated yes, they would have to go outside. Mr. Berkowitz stated I think we should wait to make a motion to see what the State regulations are regarding smoking inside or outside. Mrs. Murphy stated after the motion has been seconded, you can table it and agree to do that but you really can't talk about it until the motion has been seconded.

Mr. Roberts made a motion to approve the change of tenant application for Tobacco Roll LLC condition on the applicant meeting all State regulations of operating a retail tobacco shop. Mr. Ouimet seconded. Motion carried.

Old Business:

11.078 OB Stewart's Shop #127, 454 Route 146 – Commercial Site Plan

Mr. Tom Lewis, of Stewart's Shop Corporation, stated the following: We have appeared before the Zoning Board of Appeals (ZBA) and we received a variance for the front yard setback for the proposed location of the gas canopy (shown in green on the plans). In the yellow area shown on the plans is where the gas and the building are located now. We're hoping this evening that the Board would refer this to CHA and we've been asked not to do handouts and to keep this short tonight. I would be happy to answer any questions the Board may have. Mr. Ouimet stated before we refer this proposal to CHA, could you tell us a little bit about how you're going to screen the stormwater retention area. Mr. Lewis stated any way the Board would like me to. Mr. Ouimet asked was there an agreement with the nearby landowner about putting up a fence or anything? Mr. Lewis stated the following: Yes, the neighbors asked us to do a fence that matches what was done at Mr. Tanski's Sunoco located on Route 146. We priced it out and we will do exactly what the neighbors asked for and we would be happy to do that for them. Mr. Berkowitz asked what type of fence is that? Mr. Lewis stated white vinyl. Mr. Ouimet asked is there going to be any vegetation or any trees and shrubs? Mr. Lewis stated the following: Yes and the Board should have a landscaping plan in your packet with lots of green stuff. We are going to make this place sparkle. Mr. Higgins asked where is the stormwater retention area going to be located? Mr. Lewis showed the Board where the stormwater retention area was located on the plan. Mr. Higgins stated regarding the road onto Old Route 146 & Plant Road and asked what do you envision that access being used for? Mr. Lewis stated the following: Mostly it would be an out. I'm sure everyone here knows that the existing condition for the site works very very poorly. So, we have a

contract on the land and we are moving things further apart. Most people will enter at the Route 146 access and a certain amount will go out the Plant Road access. I anticipate very little traffic in because that road has become very congested. Mr. Higgins asked about the delivery trucks. Mr. Lewis stated the following: We've agreed not allow any delivery trucks to go in on Plant Road and they have to go in from Route 146. Also, one of the points that the neighbors made was that Stewart's had gas deliveries at 4:00 or 5:00 am in the morning and that's because the lot now is so hard to get in and out of that we'll also limit that so the deliveries after 7:00 am in the morning. Mr. Higgins stated but the gas trucks still will not access off of Plant Road. Mr. Lewis stated that is correct nor will our deliver trucks because they would have to access off of Route 146. Mr. Higgins asked what about garbage trucks? Mr. Lewis stated sure, that's fine too and no trucks would go in off of Plant Road. Mr. Higgins stated the following: The reason why I asked that is because previously when you were before this Board you said that the garbage trucks would use the Plant Road access and then when you appeared before the ZBA at the first meeting, where I was present, you said no trucks. So, that's why I want it on record on which clarification that was. Mr. Lewis stated the first time I was not being smart. Mr. Watts stated the following: So for clarification, if somebody chose to drive a private truck in that entrance, you are not being held to that. This is only for deliveries of things that Stewart's can control. Mr. Lewis stated that is correct. Mr. Higgins stated so if it was a personal vehicle, that would be a different story. Mr. Watts stated or it could be a commercial vehicle not controlled by Stewart's. Mr. Lewis stated exactly. Mr. Higgins stated I'm strictly talking about Stewart's contracted vehicles. Mr. Watts stated this is for everyone's edification. Mr. Ouimet stated I'm looking at the landscape plan and it doesn't seem to indicate where the stormwater retention area is. Mr. Lewis stated okay, we'll get that clarified because I don't understand why that's not there but we'll make sure that CHA gets that. Mr. Ouimet stated my second question has to do with the fact that there's only one designated handicap spot and this is a pretty busy store. Mr. Lewis stated there should be two and that will be on the plan when we submit it to CHA. Mr. Watts stated the following: Well, we're certainly cleaning up a congested site. You are straightening it out and you've made tremendous compromises to accomplish this. The Town is very pleased with the project. Mr. Lewis stated that's our goal and I'm very happy to work with this Board. Mr. Roberts asked did Mr. Lewis receive a copy of Mr. & Mrs. Leonard's letter about their concerns? Mr. Lewis stated yes I did. Mr. Roberts asked did you satisfy all of their concerns? Mr. Lewis stated the following: Yes, I think there were seven items and there were three items that we could rationally deal with; deliveries, delivery hours and the fence. Hopefully if this is referred to CHA, we will have at least one more meeting and then I can go over those items specifically. Mr. Berkowitz asked when is the construct supposed to start? Mr. Lewis stated last year. Mr. Berkowitz asked are you closing the entire site and rebuilding it. Mr. Lewis stated the following: We never shutdown the sites because if we have to do that, we don't do these redevelopments. I think this is our seventh or eighth one. We only do this where we build a new store and then once the new store is all done and stocked, we open the new store and a day later we demolish the old store. Then we build the gas and that's the only way we do these things. Mr. Dake has this thing about being open 365 days a year. Mr. Watts stated they do close sometimes for a while don't they? Mr. Lewis stated no, never. Mr. Berkowitz asked do they have locks on the doors? Mr. Lewis stated at night when they close, they do have locks on the door because the stores are not open 24 hours a day.

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

Mr. Nadeau made a motion to adjourn the December 12, 2011 Planning Board Meeting at 8:33 pm.
Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary