

**MINUTES MEETING
Town of Halfmoon Planning Board, 2018
June 25, 2018**

Those present at the June 25, 2018 Planning Board meeting were:

Planning Board Members:

Don Roberts –Chairman
Marcel Nadeau- Vice Chairman- absent
John Higgins
Tom Koval
Richard Berkowitz
Thomas Werner

Planning Board Alternates:

Mike Ziobrowski

Director of Planning:

Richard Harris

Planner:

Paul Marlow

Town Attorney:

Lyn Murphy

Deputy Town Attorney:

Cathy Drobny-absent

Town Board Liaison:

John Wasielewski
Jeremy Connors

Chairman Don Roberts opened The Planning Board Meeting at 7:02 pm

Rich Berkowitz made a motion to Approve the June 11, 2018 Planning Board Minutes. John Higgins seconded. Minutes Approved.

18.044 25 Route 146 Duplex (Karam), 25 Route 146 - Site Plan

Don Roberts: Would anyone like the notice read? Is anyone here for this one?

Michael Karam: Hi Michael Karam

Don Roberts: And your name is?

David Vadney: David Vadney

Don Roberts: Please explain what you want to do

Michael Karam: Ok so we are going to take the existing home that is there now and turn it into a duplex or two family , we are not changing the footprint of the property , we would be adding a dormer to the property at some point thats basically it.

Don Roberts: Ok, thank you, at this time I will open the Public Hearing would anyone from the public like to speak.? (no comments) seeing no one wishes to speak we will close the public hearing , comments by the Board members?

Tom Koval made a Negative Declaration pursuant to SEQR. Rich Berkowitz seconded. Motion Carried

Tom Koval made a Motion to Approve Karam Duplex Site Plan application. Rich Berkowitz seconded. Motion Carried.

Michael Karam: Alright, thank you.

18.090 McBride Irrevocable Trust/St. Luke's Episcopal Church Lot Line Adjustment & Subdivision, 12 McBride Road & 40 McBride Road - Minor Subdivision

Duane Rabideau: Duane Rabideau from VanGuilder and Associates representing Eric Connors before the Board for a proposed two lot subdivision and a lot line adjustment with St. Luke's Episcopal Church located at 12 and 40 McBride Road. The proposal is to subdivide a 3.9 acre parcel from the 81 acre McBride Farm for a single family residential home , the newly created lot will be between St. Luke's Church which is right there , this is the parcel we are cutting out right there and this is the existing soccer fields and basically in order to obtain the necessary road frontage for this parcel part of the proposal is for a lot line adjustment at St. Luke's Church which is also needs to take place in this , basically what we are trying to do the lot line adjustment with St. Luke's Church line used to go straight across right there , we are picking up that 20 foot strip there, road frontage for this proposed lot , its only to meet the zoning requirements , the proposed physical access to the parcel is going to be the existing road that goes down to the soccer fields , this in an ingress, egress utility easement so they are going to have their driveway off here , thats going to be the actual place where they would get onto McBride road , the lot will have onsite septic and a well we do have , there is DEC wetlands to the back of the parcel right here , we have the 100 foot adjacent area we do have a JED from New York State DEC so thats been taken care of and that is our request before the Board.

Don Roberts: Thank you Duane, at this time I would like to open the Public Hearing would anyone from the public like to speak (no comments) seeing no one wishes to speak we will close the public hearing , Board members any comments?

Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Tom Koval seconded. Motion Carried

Rich Berkowitz made a Motion to Approve McBride Minor Subdivision application. Tom Koval seconded. Motion Carried.

Duane Rabideau: Thank you.

18.091 Gier Lot Line Adjustment, 10 Sunny Hill Court - Minor Subdivision

Don Roberts: Would anyone like the notice read?

Eric Gier: Good evening Im Eric Gier the one that is acquiring the lot line adjustment.

Don Roberts: And why are you doing this

Eric Gier: Just because originally in the plans we didnt understand where the lot lines were when we purchased the property, we noticed that some of my existing swing set and the shed were on the verge or outlying edge of the neighbors property and he out of his own graciousness had offered the land up for us so that we could keep the existing structures there.

Don Roberts: Ok, thank you, at this time we will open the Public Hearing, would anyone from the public like to speak? (no comments) at this time we will close the Public Hearing , comments from Board members?

Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Tom Werner seconded. Motion Carried

Rich Berkowitz made a Motion to Approve Grier Minor Subdivision application. John Higgins seconded. Motion Carried.

Eric Gier: Thank you for your time.

18.087 **Crown Castle CCT 06-2, LLC Tower Relocation, 1525 Crescent Road - Site Plan**

18.088 **Verizon Wireless Co-Location, 1525 Crescent Road - Site Plan (Co-Location)**

Don Roberts: Would anyone like the notices read? (no comments) Go ahead

Jeff Davis: Good evening , my name is Jeff Davis attorney with Barclay Damon here representing Crown Castle in this matter and acting as agent to Verizon Wireless for the second half of the application , the first half is a relocation of the existing cell tower off of Crescent road , this tower was built in 2005 , I was part of the original zoning for the Tower in 2011 a lawsuit was commenced by the current owner of the property and Crown and the state of New York and everyone was brought in if you could go to the second page on there that would be helpful, there is a dispute over the property line and whether this line here is the appropriate property line or not , after 7 different competing surveys all parties agreed that its best to come to a settlement of this matter and as part of that settlement we are relocating the tower which is currently right there, over approximately 40 feet to the northwest off of or to an area that is completely undisputed as to whether it is on partially on state property and partially on the property that we have a lease with so the tower relocation is they will be removing the existing tower foundation and fencing, reusing that exact same tower add a new foundation to build 40 feet to the northwest putting up new fencing around it, T-Mobile equipment which is currently on the tower at a centerline of a 137 feet , we relocated over to the new tower location and their equipment will also be relocated , so that everything will be on this side of that disputed property line right through here. As part of the application Verizon Wireless will co locate their antennas on the new tower location their antennas will go at 127 feet on the tower and their equipment is shown here inside the existing fenced compound, the tower relocation I believe is being considered a site plan amendment to the prior approvals and then the co- location was submitted as an eligible facilities request under the Federal taxpayer relief act and I can take any questions.

Don Roberts: Thank you, at this time we will open the Public Hearings, would anyone from the public like to speak? (no comments) seeing no one wishes to speak we will close the Public Hearing , I have one very important question , when this is moved 40 feet to the northwest your sure that the cell tower the pad and all of the equipment is going to be on private property?

Jeff Davis: Thats correct and I emailed before the meeting to your attorney a redacted copy of the settlement agreement in which all parties have agreed the new location is not on State property and is on the property the lease is with.

Don Roberts: Ok thank you very much, that's very important, any comments by the Board members? If not we will take these one at a time.

Tom Koval made a Negative Declaration Pursuant to SEQR. John Higgins seconded. Motion Carried

Tom Koval made a Motion to Approve Crown Castle Site Plan application. John Higgins seconded. Motion Carried

Tom Koval made a Negative Declaration Pursuant to SEQR. John Higgins seconded. Motion Carried

Tom Koval made a Motion to Approve Verizon Wireless Site Plan application. Tom Werner seconded. Motion Carried.

Jeff Davis: Thank you very much.

Don Roberts: Your welcome, take care.

18.098 421 Flex Park Subdivision, 421 Route 146 - Minor Subdivision

Don Roberts: Would anyone like the notice read?

Jason Dell: Good evening my name is Jason Dell Im an engineer with Lansing Engineering here on behalf of the applicant for him 421 Flex Park lot line adjustments. the project site is located at 421 route 146 within the 421 Flex Park we are here this evening for a minor subdivision of the previously consolidated lot, that previously consolidated lot is approximately 17.99 acres and we are here this evening to request a subdivision of this portion of the property here which the existing building that is now occupied , was recently constructed , thats a 15,000 sq ft building and we would like to chunk off an approximate 1.59 acre parcel from the overall parcel so the applicant can sell that lot to the current occupants of that building. The required parking for that building is all situated on the lot which we have configured there and those parking numbers are all in accordance with the Town of Halfmoon requirements so we are here this evening for the Public Hearing and to answer any question that the Board may have.

Don Roberts: Thank you Jason, at this time we will open up the Public Hearing would anyone from the public like to speak? (no comments) since no one wishes to speak we will close the Public Hearing , Board members any comments?

John Higgins: the original approval for the change of tenant for the present applicant is that for the entire building or for a portion of the building?

Jason Dell: the entire building

John Higgins: It was for the entire building ok

Jason Dell: Yes

Johns Higgins: Thank you

Rich Berkowitz: Is this a unique subdivision with in the park or ...

Jason Dell: There is the potential in the future to reconfigure some lots Mr. Earl is purchasing lots along Parkford so as tenants come in I do know that the site plan that is currently before the Board there is a potential

Rich Berkowitz: the landscaping area?

Jason Dell: Yes , and then Mr. Earl we are getting this building approved here for a fulfillment center for his vending operations in the future right now I dont know how he would want those if indeed they were ever to be sold off.

Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Tom Koval seconded. Motion Carried

Rich Berkowitz made a Motion to Approve 421 Flex Park Minor Subdivision application. Tom Koval seconded. Motion Carried.

18.036 Pinebrook Hills PDD, Farm to Market Road - Major Subdivision

Donald Zee: Good evening my name is Donald Zee Im an attorney for the applicant , we were here last on June 11th and at that meeting there was really one issue that remained outstanding before the Board was in a position to vote and that was a recommendation from the County Planning Department and I believe Mr. Harris received that recommendation and the comment from County Planning was that there was no County wide or enter community impact for this proposal , also at the last meeting there was a question raised by the adjoining property owner with regard to the installation of the 12 inch water main along Farm to Market road and it is my understanding that Mr. Zhadral and the property owner met at the site , we came up with an agreement where we would not be impacting the

adjoining property owners driveway or going onto his property, the adjoining property owner had indicated that he had worked for National Grid was cognizant of the existence of a 12 inch major gas line on his side of the property and we have talked to our engineers and our proposed construction company with regard to boring the water main at that area and this is the design location that they came up with the property owner is here their driveway is not impacted and this is the profile showing the necessary separation between the existing sewer line and where we propose to put the water line so I believe we have addressed that , I dont know if the adjoining property owner is here to confirm but I know that Mr. Harris was advised immediately after the meeting that took place at the property and I think he was comfortable with it, if he is here obviously allow him to speak.

Richard Harris: I did speak to him before the meeting and correct me if say it wrong but your satisfied with the proposed solution, he has reviewed the drawing and is satisfied with it.

Don Roberts: ok that is the proposal ok, I would like to open the Public Hearing would anyone from the public like to speak? You're all set Mr. Buck? ok, anyone else? (no comments) we will now close the Public Hearing and just to let everyone know this is just for preliminary subdivision approval if we move forward with this before we do Joe do you have anything to add?

Joe Romano: No we have gone through a number of rounds of review of the plans with the applicant they had resubmitted the site plans on Friday which we had a chance to review so you know any condition we can handle changes to the plan we can handle during the final, and just as a reminder that we dont need SEQOR for this because it was a PDD.

Don Roberts: Rich we are all set with the County?

Richard Harris: Yea.

Don Roberts: Board members

John Higgins: What is the time frame for the public benefit which is the waterline extension on Staniak road?

Donald Zee: I believe that is going to be done right with commencements of the project and obviously we wouldnt be issued any building permits except for a model permits until that improvement is completed

John Higgins: Ok thank you.

Rich Berkowitz made a Motion to Approve Pinebrook Hills PDD preliminary Subdivision approval. Tom Werner seconded. Motion Carried.

Donald Zee: Thank you , very much.

New Business:

18.103 Secure-It Self Storage, 443 & 445 Rt. 146 - Sign

Tom Wheeler: Hello Im Tom Wheeler with AJ Sign Company, basically we are looking to install a new internally illuminated monument sign with push through letters just the letters will light up and a front lit channel letters sign on the building, again just the letters will light up.

Don Roberts: Questions by the Board?

John Higgins: i am just looking to see where the location is for the monument sign

Tom Wheeler: there should be a site plan attached

John Higgins: Yea I am looking at the site plan but I just dont see it, oh ok I see it now, now that is not in the right of way correct?

Tom Wheeler: Nope you can see the right of way line that is behind it.

John Higgins: Ok I just want to make sure.

John Higgins: Now that isn't going to interfere with people exiting as far as looking one way or the other it looks like its far enough away

Tom Wheeler: Yea it looks like its far enough off of the road; you'll be able to drive ahead of it to see

John Higgins: Ok, thank you

Tom Koval: It's about 60 feet back and there are 3 parking spots

John Higgins: ok thank you.

Don Roberts: Anyone else?

Rich Berkowitz made a motion to Approve Secure it Self Storages' Sign application Tom Koval seconded. Motion Carried

18.099 Adams Express Inc., 3 Liebich Lane - Change of Use/Tenant

John Adams: How are you doing, John Adams with Adams Express and I would like to propose to lease space at 3 Liebich lanes.

Don Roberts: what is your business sir?

John Adams: Local trucking, business to business we operate 3 power units right now we have 2 drivers and 2 office personnel.

Don Roberts: Thank you, questions by the Board?

John Higgins: Your hours are, it said 7 to 7 but it says in your write up on your letter is 6 am so that is the earliest someone gets there is 6 am?

John Adams: Yes that's occasional, it's usually, go ahead

John Higgins: And you are done by 7 o'clock at night?

John Adams: Yea

John Higgins: ok the reason Im asking is across the street Sysco their 2 o'clock in the morning with back up alarms I just wanted to make sure that you weren't going to have an additional noise problem, thank you.

Rich Berkowitz: What time to the tractor trailers go in and out?

John Adams: We are leaving between 6 and 9 in the morning and we are coming back 3 to 5 in the afternoon there are occasions you are going to be 6 , 7

Rich Berkowitz: Ok so the potential doubles, the most you will have is 8 to 16 a day?

John Adams: Trailers?

Rich Berkowitz: Yea

John Adams: Oh yea that would be a lot, were probably 6 to 9

Rich Berkowitz: Ok

John Higgins: And no other outside storage other than the vehicles themselves?

John Adams: That is correct

Rich Berkowitz made a Motion to Approve Adams Express Change of Use/Tenant application conditioned on no outside storage. Mike Ziobrowski seconded. Motion Carried.

John Adams: Thank you.

Old Business:

18.081/ 18.082 **Curvy Girls Food Truck & Catering, 1541Route 9 (Lindsey's Country Store) - Site Plan & Sign**

Heather Vlaad: Good evening my name is Heather Vlaad I am the sole proprietor of Curvy Girls and I am here to get final site approval for the business

Don Roberts: Questions by the Board?

John Higgins: When you were here previously you said you might move it off about once a month to go do some other locations, when the inspector was there you said it could be moved off weekly which is it going to be?

Heather Vlaad: It is only going to be moved off when it calls for big festivals I prefer to only move the unit once a month maybe twice at most I dont like to move it very often because it is a big unit so preferably only max 2 to 3 times a month if that.

Rich Berkowitz: Now we mentioned bathroom facilities last time is it marked on the site map where

Heather Vlaad: I dont believe it is marked on there , it is going to be directly behind my trailer up against the right building, right here it's going to be put behind it and its going to be on a gravel pad

Rich Berkowitz: Now before we approve this this has to be on the site plan.

Don Roberts: We can do it conditional but before you start your business it has to be on the site plan and it has to be there.

Richard Harris: Yea and if you are going to add gravel spaces you mentioned last time you could add those too on there ok

Heather Vlaad: Sure

Rich Berkowitz: And does DOH have a specific site distance away from the trailer?

Heather Vlaad: When we had spoken to them they said they do not have a specific distance away from the travel unit no.

Rich Berkowitz: Ok

Don Roberts: Anyone else?

Mike Ziobrowski: One of the things we talked about too was the use of the trailer and how long you intend to be there I believe what we had set was November 1st?

Heather Vlaad: Correct

Mike Ziobrowski: ok

Tom Koval: In the past certain types of businesses that are not traditional for this area we've done a conditional approval on the site plan on your business and if we have no complaints or issues there is no further charge next year to come in front of us for permanent approval and that's what I'm personally leaning towards so basically if you do good business and you're a good business person for the Town, we have no issue with it, however we do a conditional if we do have complaints or other concerns we have the option of not renewing your approval.

Heather Vlaad: Ok not a problem.

Tom Koval: made a Motion to Approve Curvy Girls Food Trucks Site Plan application contingent on the restroom facilities and added gravel spaces are shown on the site plan prior to opening, this is also a temporary conditional Approval that would require you to come before us next year.

Richard Harris: Tom do whatever condition you want but they already had approval for you to open up during the month and it didn't require a revised plan, could I ask that you give them some time because they open tomorrow, and given the summer is already underway, that they have a certain amount of time to get the revised site plan it might take them a little while to get it, and they've gotten their c/o from building depts. there is no code issues holding them up right now and I would hate for it to get delayed

Tom Koval: so would August 1st be enough time.

Heather Vlaad: Yes August 1st would be perfect

Tom Koval: My approval is based on the revised site plan by August 1st.

Tom Koval made a Motion to Approve Curvy Girls Food Trucks Site Plan application contingent on the restroom facilities and added gravel spaces are shown on the site plan By August 1st 2018, this is also a temporary conditional Approval that would require you to come before us next year prior to opening in 2019. Michael Ziobrowski seconded. Motion Carried.

Heather Vlaad: Thank you for your time

Don Roberts: You're welcome

Richard Harris: The only thing, did you want to include when they would have to come back for approval like March 1st of 2019, prior to re-opening in the spring, I'll come over and explain that to you.

18.073 Halfmoon Commercial, LLC PDD, Route 146 (former Pino PDD) - PDD Recommendation

Jason Dell: Good evening Jason Dell I'm an Engineer with Lansing Engineering here on behalf of the applicant for the Halfmoon Commercial PDD, we are here on referral from the Town Board in the hopes of receiving a positive recommendation back to the Town Board for the PDD proposal The original Pino PDD was approved back in 2007 and we are here seeking a reinstatement or re approval of that previous PDD which is now known as the Halfmoon Commercial PDD. The PDD or the project is situated along 146, the total property area is approximately 65.3 acres and we are anticipating up to approximately 500,000 sq ft of commercial space, commercial and light industrial uses. The current PDD before you is based on the original PDD ordinance with the exception of a couple of points the first being the open space buffer has been reconfigured and the front set back reduced to 100 feet along route 146 and we have also looked to limit or reduce the limit of the number of overall lots that were allowed out there. At the last meeting that we were here this Board had requested us to provide a site plan showing a potential configuration of what the PDD and what the overall development could look like now what we have provided is a 10 lot subdivision with 10 different buildings ranging in size from 30,000 sq ft up to 116,000 sq ft. We've based the parking numbers as well as the loading dock areas, we've based this current plan on 25% office with the remaining 75% of the building being warehouse being storage associated with that office, so again this is one possible way that this property could be configured and it could be configured a hundred different ways so the applicant in speaking with him a while ago prior to the meeting you know we are showing ten lots here however we would still like the flexibility to have some additional lots should a bunch of smaller users come into the park and want to locate their building there. The site

configuration we still have the one entrance road that comes in we've got the various access coming off of that access road we've preserved areas on here for storm water management , if additional area is needed we would have to go underneath the parking lots to meet all of the DEC requirements. One of the big things too to note here to is that this Board would still have ultimate control as we move forward and as these individual lots were developed the Board, we would still have to come back for each and every one of them so we would be back before you folks with the site plan reviews for these. Another item that the Board had concerned with the last time was with respect to the PDD and the Public Benefit; the applicant did hear your concern at that meeting and has agreed to reinstate what the original public benefit was for the original PDD. So at that we are back this evening to answer any additional questions that you folks may have in the hopes of moving this forward as the Board sees fit.

Tom Werner: regardless of the configurations which you mentioned which could be several, the ultimate size would be about 50,000 sq ft.?

Jason Dell: Yes,

Tom Werner: And would that permit you to do a traffic impact based upon the light industrial commercial zoning for that when would you expect to be doing a traffic impact study

Jason Dell: The traffic impact study I believe would have to be updated as each individual project came in, because again this could be, ya know two lots could be developed with 100,000 sq ft of office and 20,000 sq ft of warehouse which it would have a significant amount of traffic generation numbers different from what we are showing now

Tom Werner: But based upon the industrial classification you could do a general impact analysis cause we are concerned I think cause this section of route 146 the hill the operating speeds coming in and out of Mechanicville thats a concern with any number of turning volumes , sort of a base condition would be very helpful at this point

Don Roberts: I think the Town would undertake a traffic study that's our policy now you know that?

Jason Dell: Yes

Rich Berkowitz: Yea and my concern also is the traffic cause people are jockeying for position coming up that hill its going from 2 lanes to one lane and right in that area it goes to one lane and Im just wondering what kind of traffic improvements are being considered , are there turning lanes or I know there is a light supposedly , once you met a certain threshold if you have a lot of tractor trailers going in and out of there and thats going to tie up traffic going up that hill especially in Winter time, when people are really accelerating up there because its going form 45 to 55 right there

Tom Werner: Understood

Rich Berkowitz: Well you're going 45 to 55 and you're merging two lanes

Mike Ziobrowski: If you have a tractor trailer in front of you its kind of in your blind spot all of the sudden, especially if you are turning

Jason Dell: Understood and I know previously I believed it was the light threshold and the turning lane threshold so

Rich Berkowitz: Would the turning threshold come before the light threshold?

Jason Dell: I believe that would have to be determined by DOT

Rich Berkowitz: Ok

Lyn Murphy: Im sorry just for my clarification so are you saying the traffic improvements that were suggested 10 years ago are still going to be for this PDD?

Jason Dell: Yes

Rich Berkowitz: Plus any changes that the traffic study might find?

Jason Dell: Yes

Don Roberts: Ed, come up

Ed Abele: Ed Abele from Abele Builders, when the project was originally approved of course we had traffic analysis and part of that analysis over the years has also included the improvements which would be turning lanes and then a traffic light and I believe the traffic light would depend on warrants and that sort of thing, I'm not sure on that but our expectation is those improvements are still going to be required but Tom to answer your question in terms of updating the report we dont have any problem updating the report for any new liberties that might be associated with the PDD and whatever protocols necessary as far as hiring the Town Traffic engineer what ever would be required to update what may exist or what needs to be updated of course we are ok with that but our expectation is the improvements we are still looking at turning lanes and a traffic light at some point down the road.

Lyn Murphy: The only reason I am asking for clarification is because it was in the original PDD with very specific numbers and warrants that would trigger it and I would thing that you would want to update the traffic study before I write a PDD that mandates that you do something that may have no relevance after 10 years

Ed Abele: Yea I will defer to you on that but yea there, I don't know if it was DOT or

Lyn Murphy: It was done by actual build out numbers so it probably needs to be modified based on current conditions and I just dont want to see you agreeing to a PDD legislation that you cant comply with , you obviously dont want to do this.

Ed Abele: Yea right , I dont think thats a problem updating that report, I think a lot of work has been done already so refining it so that it agrees with our current proposal is not a problem.

Don Roberts: Oh Ed while we have you can you explain Public Benefits?

Ed abele: Yea originally we had a \$75,000 fee for our public benefit, a lot of the original improvements were expected years ago and of course costs have escalated dramatically , thats why at first blush we were hoping to not have to pay the public fee in addition to all the expected improvements but we know how the Town feels about Public Benefit and as a sign of good faith we dont have any problem restoring that original \$75,000 fee and would just look to the Town Board to see what was the proper timing of that.

Don Roberts: Ok thank you. Is that it? Ok, comments by the Board?

John Higgins: I have two comments , obviously this is just a posed possible layout but we looked at it and we have some concerns regarding fire access around the buildings and things like that so obviously as each building comes in we are going to want to take a look at that and make sure that there is sufficient area for the fire department to get around each of the buildings as they are built, secondly I was on the original GEIS committee I mentioned this before the original PDD had 200 feet of quality green space along route 146 its been reduced to 100 feet I would like to have you take a look at getting somewhere back close to a 200 feet I know its not a lot of area along 146 but the whole purpose of the GEIS was to try and give some quality green space along the road , not in the back where no one can see it, thank you.

Ed Abele: I'm glad you brought that up , one of the things that surprised us about the project is the difficulty in getting it off the ground and we've had some experience with large projects getting it off the ground and when we got this approved we went through the shovel ready qualification process with New York State which was actually very arduous and that didnt seem to help and also the economy kind of fell off the cliff somewhat as well, one of the things that we are hoping will happen is if we get a user and put the first user closer to the road but still a reasonable distance away a 100 feet instead of 200 feet , we're hoping that that visibility would spur a lot of interest and help be a catalyst for the rest of the development so one of the main refinements that we've asked from the original PDD is some consideration on that so that was our rationale for it and I didnt realize that it was apart from the GEIS we didnt realize that but that was the rationale for it and we hope the Town is open to that.

Don Roberts: Thank you, anyone else? Ok Rich I think we have to refer this to Saratoga County right? Fire department

Richard Harris: Yes, we need Saratoga County's back by the time the Town Board acts

Don Roberts: Ok and fire and Clough Harbor want to take a look at this, and should we get the traffic study from the Town view point going?

Richard Harris: Yea I mean I understand Jason you said that it is kind of difficult with out the uses known and the tenants known but wouldnt there be like a blend of light industrial commercial uses from one extreme might be warehouse shipping to something less intense that we could get numbers on to get an idea based on the max square footage you are proposing, I realize tenants are the baste and you know their shipping route and their delivery routes but recently we had CHA do that on something and they came up with three different scenarios making a blend of light industrial commercial uses, is VHB working on something like that ?

Jason Dell: I believe it could be done

Richard Harris: I got a call from VHB the other day that they are looking at traffic analysis for this so what are they doing?

Jason Dell: We will verify that with them and I can give you a call tomorrow

Richard Harris: Alright and then we would need to know is the Town, do we want to initiate a traffic study under Town procedures at this point?

Don Roberts: That's our policy right?

Richard Harris: I just dont know is the timing right, do you want to do it now? We have traditionally been doing this during the PDD recommendation stage

Don Roberts: So before we have the Public Information meeting we should get our traffic study done.

Richard Harris: That's up to you if you want to get it done like that

Don Roberts: That's how we usually do it

Richard Harris: That is how we have been doing it I dont want to make that call for you though

Don Roberts: I think that's how we should go

Richard Harris: The one alternative is we get their numbers and have our consultant look at their numbers and supplement where necessary if their already undertaking one, there's nothing that says in our policy and Lyn correct me if I'm wrong that we have to ignore what ever their doing its probably best to have our consultant in my opinion look at what their consultant is coming up with and either agree or disagree or make suggestions related.

Lyn Murphy: This is somewhat of a unique situation in that they already have a base one so their people are going to update their base study and then I think your right again its a Board decision but this isn't a typical brand new, nobody's ever seen it before proposal so its more of an updating and verifying than a creating.

Ed Abele: There's been a lot of traffic work done on this project and I would assume that Wendy from VHB who is doing the analysis could apply the new volumes cause the volumes may have changed, I believe they did, have gone up a little, they can insert those volumes and see if the recommendations still work, but there's been a lot of traffic analysis done on this already and updating it is not a problem but we obviously we dont want to start over

Rich Berkowitz: Don't you have updates from other projects on that corridor?

Ed Abele: I'm not sure about other projects but I know , I believe they've looked at assumptions on growth and what was supposed to happen compared to what actually may have happened , we'll clarify that Wendy has , can get that information I dont want to speak on that.

Don Roberts: Ok so if we schedule a Public Information meeting for the last meeting in July will that be enough time to get all of this together?

Ed Abele: I would expect so sure

Don Roberts: Is that ok with the Board?

Richard Harris: Are we going to want our own independent traffic study by that date?

Don Roberts: I would think so is that enough time for ours?

Lyn Murphy: Can we turn yours around in two weeks so then our people have two weeks?

Ed Abele: I dont think thats a problem and of course whatever communication needs to happen with the Town traffic engineer it's not a problem on our end , I dont think it will take her long to pull that information together, but I will check with her tomorrow.

Don Roberts: Would the first meeting in August be better? Just to make sure? Yea do you want to do that? First meeting in August Public Information meeting?

Ed Abele: Yea again, when is the last meeting in July?

Richard Harris: The 23rd of July, four weeks out

Ed Abele: If we could leave that possibility because there may be users that were courting open, I could confirm we would be ready tomorrow, but she may be, she may have information that we can provide very quickly so timing is important and if we could make late July that would be preferable.

Richard Harris: I mean we could always set it for that date and if something goes wrong you just won't be able to give an opinion that night, recommendation

Don Roberts: Until we get ours in

Richard Harris: Well whatever you decide you could make it and come back with the traffic analysis some other time I dont know or delay voting

Lyn Murphy: Or you can schedule it for that date and then in two weeks when we have our next meeting if it looks like thats impossible then publicly announce thats going to be in August and then you are not going to do the notices before the next meeting anyway.

Ed Abele: That would be preferable if we could do it that way

Don Roberts: Ok so we are doing it tentatively for what date are we

Rich Berkowitz made a Motion to set a Public Information meeting on July 23, 2018 for Halfmoon Commercial LLC. Tom Koval seconded. Motion Carried, Public Information meeting set.

14.129 **Betts Farm Residential Planned Development District (PDD), Betts Lane & Hayner Road-PDD Recommendation**

Gavin Villaume: Good evening everyone Gavin Villaume with Environmental Design ,representing Abele Builders, lets see I want to look at that map I think we do have something a little different in that now, this is

slightly different I'll show you the changes , for tonight we are looking to get some additional feed back from the Planning Board as the Planning Board notes we were recently in front of the Town Board and there's been some fairly significant changes to the plan since you folks last saw it I believe in April. Back in April if you remember we reduced the project density from 236 units to 215 units we then presented it to the Town Board and they had some additional changes that they would like us to get feed back before we go back in front of the Town Board so I will just quickly identify some of those changes. The first one would be on Betts Lane , as you know Betts Lane is one of the main feeder roads that leads into the subdivision , we're committed to restore that Betts Lane in order to provide better access to the project , we're widening the road , we're changing some of the vertical elevations to improve site distance and the Town Board had asked us to provide some mechanism for both pedestrians and bicyclist to be able to access the park, so as part of the project we are now adding an additional , what we call expanded shoulder , four foot wide on the north side of Betts Lane all the way from our subdivision out to 236, so thats one of the changes that the Town Board thought would be good for the project. The second change that we made was regarding the addition of a baseball field if you remember quite a while ago we had a baseball , one or two baseball fields in this corner at the time the Town Board wasn't sure if they wanted to have that now we're thinking that it is something that is good for the project and good for the community so we are putting the baseball field back into the project , the baseball field would be similar to the little league fields that you have over at the Town Park it would be completely paid and constructed by the developer along with the baseball field there would also be some parking along one of the access roads into the project and then really the only other change is again we made another modification to the density to the 215 units that we last showed you we now are shoeing 201 units that would be 118 patio single family homes, 82 twin homes and one estate lot, and I will just quickly note that the change that you have in front on you is the elimination of these three lots , I shouldn't say elimination, relocation of those three lots you plan shows those being relocated, I believe we put one or two lots over here and I think we might have added one lot over in this vicinity but this provides a very generous open space buffer between the park and the existing residence in both Hayner and Betts Lane. So those are the changes.

Don Roberts: Thank you Gavin, comments by the Board?

Tom Werner: Gavin could you explain a bit more about this extended shoulder on Betts lane what the concept is?

Gavin Villaume: Yes , a normal shoulder width is typically a foot to two foot so this would be now from the white line over to the edge of pavement be expanded to approximately 4 feet which would give again both bicyclists and pedestrians area to move along the shoulder of the road

Tom Werner: So are you saying that it will be two way for pedestrians and bicyclists?

Gavin Villaume: Essentially for pedestrians i guess yea, bicyclists usually travel on the right side of the road so they are going to be in the road

Tom Werner: Well my thinking is with the size of this development and obviously the Town Park and Hayners it could be attracting quite a bit of bicycle and or pedestrian activity but you've got a basic conflict with the VNT law, unless its physically separate from the roadway

Gavin Villaume: Right, well if we have room we can probably provide some type of a separation we are just really tight with for a right of way there and again maybe we can scoot the road over to the south a little to provide more area, but we are committed to put some type of pedestrian access along that road

Tom Werner: Ok as long as its going to be used as that and promoted as that you've got to be in compliance with the law

Gavin Villaume: Yes

Tom Koval: Also what were you planning on doing on Betts Lane now to gain this extra space?

Gavin Villaume: We might be able to , right now its somewhat centered in the road we might be able to kick it a little further south to provide more area for separated pedestrian access like Mr. Werner had just identified.

Tom Koval: There was mention of putting up a retaining wall?

Gavin Villaume: No retaining walls, nope the only work that we are doing I guess along the low point right here there is a small crossing , stream crossing so there will be probably a gabion head wall of some sort just for drainage

John Higgins: There is no retaining wall at the top by Mr. Betts property?

Gavin Villaume: By Mr. Betts property no what we're doing with that is we're going to be modifying the slope of the road obviously it will be less steeper than what is there now I think we are at around 8% for the grade, 8 or 9 % for the grade and there will be some grading at the top of the road which will require us to re -do a portion of Mr. Betts driveway and thats what we are going to be doing.

Rich Berkowitz: So you are going onto his property to make...

Gavin Villaume: Well where his driveway meets the right of way I think Chris that's kind of the intent

Chris Abele: Chris Abele, Abele Builders, you know we've had extensive discussion you know with John Pingelski and the Town has given us some leeway to re design the road but also knowing there are some constraints , I.e. the creek down at the bottom , in reference to that John Pingelski did not want a head wall of any sort he more or less wanted us to do rip rap , which would be a problem and as far as up atop the hill the cut would be about 4 1/2 feet

Rich Berkowitz: But you're still affecting somebody else's property to make

Chris Abele: I understand that and we definitely will make that right but the cut is

Rich Berkowitz: Make it right by who? I mean if somebody doesnt want you on their property

Chris Abele: Well you've got a 50 foot right of way; you have to intersect with the existing driveway right

Rich Berkowitz: I understand the point but you're affecting somebody's personal property

Chris Abele: No, I understand that

Rich Berkowitz: I dont know if he wants it affected or not but

Chris Abele: I did have discussions with him; you know I did talk to Bruce

Rich Berkowitz: That's between you two I have no idea what was discussed but I know your affecting this

Chris Abele: Well we did consult

Rich Berkowitz: I just have one other point; I know your intentions to put ball fields on there for the PDD

Gavin Villaume: Yes

Rich Berkowitz: But one of our main concerns, well at least one of my main concerns is this traffic, you're putting a ball field out there, it's just going to increase traffic.

Chris Abele: Ok that was by direction from the Town Board okay and we are giving three acres of property, we are constructing one ball field but there is an additional space for another ball field.

Rich Berkowitz: Which means more traffic

Chris Abele: And I understand that and I do want to address this , at the Towns direction for over about a 2 year period we negotiated an MOU Lyn is very familiar with this, the Town signed it, we signed it, other developers signed it , there is going to be huge improvements that we're going to do based on this project i.e. Betts lane is going to be anywhere from \$600,000 to \$800,000 we agreed to do that, we know that's the main entrance to our project so there is some residual benefit to us.

Lyn Murphy: That's not part of the MOU

Chris Abele: No its not but as per the MOU we are going to reconstruct the intersection of Upper Newtown road to put in turning lanes to put in a traffic light of which we've already along with two other developers dedicated 83,000 per , its about 250,000 in the account, and I understand that traffic is a huge issue in this Town I really do and when Dana Betts was up here speaking she made some very good points, I want to make this point, when the Town of Halfmoon built this park what traffic mitigation did they do? Now the Hayners tremendous people great people they have an ice cream stand where was there mitigation?

Rich Berkowitz: That park was built and the ice cream was built way before we had all the back ground traffic on that road and way before all the other development was on that road so dont get angry at me for asking questions

Chris Abele: Im just saying its a huge issue its obviously very important for the Town and you people are trying to do a good job I understand that but so am I and I am very proud of Sheldon Hills, best community in the Capital Region as far as I'm concerned, Glenn Meadows I stand proudly behind them and the amount of money that we are spending to take care of our traffic impacts I think is very adequate.

Rich Berkowitz: I agree you guys are one of the best builders you build some of the best communities in the area but there is still a lot of traffic in this Town that has to be mitigated somehow.

Chris Abele: We contribute but we mitigate for us but how about all the other people that contribute that dont mitigate

Rich Berkowitz: That's what we are trying to have now

Chris Abele: And I do want to say this Sheldon Hills, \$2,894.00 figure it \$ 3,000.00 bucks x 310 its a million bucks where did that money go?

Rich Berkowitz: From the people who bought those homes

Chris Abele: Where did that money go to the Town? Because it came from Abele Builders

Rich Berkowitz: That's not for me to know

Chris Abele: Well I dont know either , but and I want to repeat what I'm saying, the Board is trying to do a good job and we want to do a good job , we have been in this community for a long time that park across the street was built and donated by Abele Builders, this Town park 20 years ago I took Jim Bold and Ed Pearson down to Colonie and said lets get a park like this for the Town of Halfmoon because we need it and there she sits thanks to Jim Bold and Pearson and I had a little bit to do with it so this is a tough issue you can obviously see I feel very strongly about it but I want some consideration because Abele builders has always paid its fair share and then some.

Don Roberts: Ok, thank you Chris, anyone else?

John Higgins: What's happened in the past unfortunately is not what's happening now the biggest single complaint that this Board hears on public hearings is traffic, we constantly get beat up by the residents about traffic and thats why unfortunately we have to address that with every single project that comes before this Board, thats why this Board is given negative recommendations back to the Town Board on several projects simply because of the traffic, the traffic implications and the traffic increases that come on roads that were never designed to handle the amount of traffic that they are getting on those roads. We're trying to find ways of getting other traffic avenues in parts of the Town but again this Board and myself have said from day one that this area where this project is and with the two access roads that you are looking at we feel or I feel personally that its too much for that traffic to be handled by the roads that we are looking at even with the improvements to Betts Lane and Hayner its just a lot of traffic for those roads.

Mike Ziobrowski: Your looking at a neighborhood here thats adding 201 units correct, so potentially you could have two working adults maybe you maximize and call it say 300 additional to 400 additional travelers coming out

of this neighborhood on a daily week basis right , so the question is ok what do we do with that how does this affect things down stream right so , you know I support what john is saying and we are hearing this a lot and I think the amount of units that are with in this neighborhood are just simply too great.

Gavin Villaume: As far as the densities go

Mike Ziobrowski: I dont think I said density, I didn't question density i said the units as a whole

Gavin Villaume: Yea you know we've got a break down of similar projects and they are all around the same density as this project.

Mike Ziobrowski: I didnt even question the density

Tom Koval: This is how we have gotten to the point we are at is allowing PDD's to go with greater number of units on a piece of property than is really feasible, these properties, a conventional subdivision would be 30 % less houses roughly, in a conventional subdivision would be acceptable here I understand that financially it might not be as appealing to you

Gavin Villaume: Well originally I think we did want to do a conventional subdivision and it was I think at that time it was recommended that we do a PDD

Tom Koval: Not by me

Chris Abele: This has been going on we have owned the property since 2006, we have been in front of the Board I cant remember when it started , we were told to do a PDD , then a conservation subdivision, then we were told to put in ball fields then dont put ball fields then we were told negotiate the MOU which we did at our expense and the other developers and then they finally put us on the Board, now look at thats a very complicated document and I would be lying to say I understood everything about it but here is what I do understand , every unit contributes x dollars to the traffic pool and if this doesnt go then the whole agreement doesnt come to fruition

Tom Koval: But the need isn't as great as if we dont approve this full amount of properties on it, I'm not going to speak for what's happened over the last 10 or however many years, 12 years the Board has changed , the climate has changed the Town has changed the amount of projects in the area have changed so what's happened for the last 12 years, doesnt have a tremendous amount of bearing on my decision, what has a tremendous amount of bearing on my position is what's happening right now in Town and what I can see in the near future , the affect this is going to have on the whole rest of the Town , and it's not you personally, I personally like Abele Builders I've done work on some of your projects for your customers , you do a nice job, it's nothing personal its strictly the condition that this Town is in right now thats why I dont like this number of houses on this property.

Chris Abele: And I understand that and I know its a complicated issue and I also know that the money from the State and the Town and County probably isn't where it should be because of the choke points here at Salty's and you know I understand and it is a complicated issue, my point is whenever we've done a project we have paid our fair share and remember that red light, stop light as Sheldon Hills we agreed to do it, it was \$150,000 well when DOT came out with the latest and greatest it was \$350,000 on top of the turning lanes at a half a million on top of the GEIS

Tom Koval: Im not questioning you paying your fair share ever that's not even a consideration in my head

Chris Abele: When the Town reviewed all of these other projects how come they were let go with out their fair share of traffic improvements

Tom Koval: All I have to say is thats why I spend 2 nights here every month because I didnt like what happened the last 12 years, 15 years and I've been in Town 23 years myself so thats why I sit here because I dont like the direction, or I didn't like the direction the Town was heading so yes you do pay , you do a nice project you pay your fair share but we cant just keep going like this we cant keep pushing these projects through because this guy paid his fair share this guy has done a nice job this guy has been in Town forever it just doesnt work that way it cant work that way its gonna implode

Chris Abele: Just one more time that MOU did take into account a huge study area, I think it was what 14 different projects and it was not put together by somebody like me it was traffic professionals VHB Wendy, Creighton Manning

Gavin Villaume: And they all felt that those changes were going to be good to support this project

Chris Abele: We had DOT involved and DOT was the one and I hope I get my facts straight that said when you do the intersection of Upper Newtown we want you to do 1a and 1b because we dont want to disrupt things so it would be the traffic light as well as the turning lanes and the numbers coming in there would be north of a million and when we commit to it we are going to do it but you know , and lets just look at the business side so say there is 200 units there say our off site improvements are \$1,200,000 \$1,300,000 whatever you know \$6,000 or \$7,000 per unit thats a lot of money to tack on and you know as far as the density, look at I'm a professional builder I know the market I'm so proud of what I've done I'll stand behind it against anybody if that project with the rotary with the green space in between the back yards with the traffic circulation you know is a beautiful project and one thing we always do is if it takes a \$5,000 dollar bill to make something look good or \$10,000 we're going to do \$10,000 we are not going to go the easy way out and I would not to repeat but take a ride through my projects, take a ride through Sheldon Hills , take a ride through Glen Meadow, they are state of the art and I'm proud to have built them along with my brother and I'm proud that they are in the Town of Halfmoon and I just think that we are not getting a fair shake here, thats all I've got to say, thank you and I do appreciate the hard work everybody does because its not an easy job, but it's not easy building in upstate New York.

Don Roberts: Thank you Chris, ok the Town Board has asked this Board for recommendation so what's the Boards pleasure?

Tom Werner: Is there any opportunity to decrease the number of units you've had a couple innervations of up and down

Gavin Villaume: I think with all the expensed that Chris just outlined I think we are at the very lowest number to financially make the project work I think we are there, unfortunately there is just no more room, we have come down 35 units thats a lot

Tom Koval: You've come up several units from the beginning, it's gone up and down several times so I mean

Gavin Villaume: I think we are comfortable with the number financially making it work at 201, we cant go any lower no, how much lower would the board want to see?

Tom Koval: When this project was purchased as a development, as being sold as a conventional subdivision your intentions always were to make this a PDD to make it work financially?

Chris Abele: Here's the truth, when you buy a piece of land you have no clue what you are going to do and that is the truth , now where is the market going? Thats where the market is going , people have less time you know its probably targeted more just like Sheldon , just like Glen Meadows you know predominately an empty nest community so you want smaller lots its going to be all HOA maintained so if you have smaller lots well landscaped your per monthly fee is tolerable because you dont have half acre lot, you know the half acre lot zoning that ship has sailed as far as you know because your linear road cost at \$600.00 bucks a foot you cant build a half acre lot with a 100 foot of road front the numbers dont work so to me you know this is where the market goes and I'll even take another step your better off on a bigger project say you have 3,4 phases you only want to file one or two because the market might change by the time you get to the third and fourth phases, we saw it on Sheldon and we did it on Glenn we changed , the density didnt change but the product type changed based on the economy the demand and everything else

John Higgins: Anyway 201 is the number

Tom Werner: How do you see this development to you see it age targeted for retirement or similar to Sheldon Hills or?

Chris Abele: Yes, age targeted, but not age restricted

Tom Werner: Understood , so I would suggest that changes your traffic you wont see as many trips in the peak hour which is the main concern, I think I just would throw that out for consideration so when your speaking of numbers with a huge numbers impact at the peak hour thats not going to happen if

Tom Koval: But if it's not age restricted we can't use that as a....

Tom Werner: Well on the other hand it is going to be something less than if everybody was in, we mentioned two cars per household unit going through the peak hour is a big number

Rich Berkowitz: If you go through this Town in the middle of the day traffic can be worse in the middle of the day

Tom Werner: I know I experience it myself

Rich Berkowitz: So do I.

Don Roberts: Well this is a tough one but again the Board has asked us for a recommendation

Tom Koval: My position hasn't changed since the last time I saw this , there is no significant change from the last , you added a ball field really didnt change the , you really didnt change the density at all , not the density the number of units at all so I am still making a negative recommendation on it .

Tom Koval made a Motion to make a Negative Recommendation to the Town Board on the Betts Farm Residential PDD. John Higgins seconded. Motion Carried.

John Higgins made a Motion to Adjourn the Planning Board Meeting at 8:12 pm. Tom Koval seconded Meeting Adjourned.