

Town of Halfmoon Planning Board

Meeting Minutes – February 24, 2014

Those present at the February 24, 2014 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
Lois Smith-Law

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the February 24, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the February 10, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the February 10, 2014 Planning Board Minutes with corrections. Mr. Higgins seconded. Mr. Ouimet, Mrs. Smith-Law and Mr. Berkowitz abstained due to their absence from the February 10, 2014 Planning Board Meeting. Vote: 4-Aye, 0-Nay, 3-abstained. Motion carried.

Public Informational Meeting:

13.120 PIM Clemente PDD, Route 146 – Amendment to PDD

Mr. Ouimet opened the Public Informational Meeting at 7:00pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Andy Gilchrist from Tuczinski, Cavalier and Gilchrist P.C. stated the following: Also with me tonight is the project engineer, Mr. Scott Lansing from Lansing Engineering. We are before the Planning Board for a requested recommendation on a proposed amendment to the Clemente Route 146 Planned Development District (PDD) that is currently in front of the Town Board for consideration. We were before the Town Board in November 2013 when this project was referred to the Planning Board. In January 2014 we were before the Planning Board and they had some questions and sought further information on this project. There has been a submittal that Mr. Lansing put together in terms of additional site information and we provided the Board with some more information concerning the mining and excavation of materials. I will have Mr. Lansing review the maps submittals first and then I'll do my

best to respond to the additional request for information on the mining. Mr. Ouimet asked could you do us a favor by first telling us what the approved PDD does now and what you're proposing to amend to? Mr. Gilchrist stated sure, Mr. Lansing will respond to that. Mr. Lansing stated the following: To go through the existing PDD, I think the Board is somewhat familiar with it, but for the benefit of the public, we'll go through the overall project. The overall project is located on the south side of Route 146 and Route 146 is on the northern portion of the site. Depicted in the aerial photo; the aerial photo is a great representation of the existing uses around the site. Again, Route 146 and Pruyn Hill Road in this area we do have some commercial uses at the intersection of Pruyn Hill Road and Route 146. There is a wastewater treatment plant to the south east of the site and some other industrial/commercial type uses to the east and then there is some vacant land around to the south and west of the parcel. Currently the site is used as an active gravel mine and they do haul approximately 2,000 tons per day out of this site as it stands right now and in the existing conditions, that equates to approximately 100 to 115 ten-wheel dump trucks per day coming out of the site. As far as the approved PDD, I have a blow up of the approved PDD and I think the Board does have these drawing which are split down the middle and we put them together for ease of presentation. Basically, the approved PDD outlines 600,000 SF of commercial/light industrial space and a maximum of 14 lots. So, we do have roadway coming in and there is a potential for 14 lots and 600,000 SF on the overall 103.8-acre site. As far as the public roadway, which I did mention, we are proposing approximately 1,650 FT in this area and another little spur of approximately 675 FT. Phasing for the project as outlined in the approved PDD; Phase I did include a self-storage facility in the northwest corner of the parcel that is approximately 138,000 SF of self-storage space and that was proposed to be served at least on the short-term with an individual well to serve the water needs for that project. Subsequent phases would be the balance of the 600,000 SF, which would be 262,000 SF scattered around the proposed roadways. Per the water service for the subsequent phases; as I did mention, we would have a well for Phase I and subsequent phases would be served by public water and that would include an extension of the water from the Farm to Market Road/Pruyn Hill Road intersection and down Pruyn Hill Road to Route 146 and to service the project. That would be approximately a 6,100 FT extension of a water main that would be a 12-inch water main to serve the project. As far as traffic improvements; as outlined in the PDD there were certain thresholds for improvements at the Route 146 and project intersection, which was outlined in the PDD, that at 100,000 SF pass to the self-storage facility that 100,000 SF that there would be a left-hand turning lane into the project and then at another 100,000 SF there would be a potential for a traffic signal at the intersection of Route 146 and the project and those would all be confirmed by a subsequent traffic study that would be performed as development did progress on the project. I would also like to note on that that there is a PDD approved for across the way and those thresholds of 100,000 SF for the left-hand turn lanes and the traffic signal would be either one project independently or both of those combined on those thresholds. That is a basic outline of the PDD and at the last meeting there was a request for some additional information. There was a request for a list of the uses and then also a look at the proposed uses amendments. Mr. Gilchrist stated the following: One of the things that the owner wanted to confirm was that they're still intent to construct the PDD. The legislation was originally approved by the Town in 2005 and it has been several years since then and clearly the project commercial/light industrial park has not been built out and this was an effort to make certain that the Town was aware that the owner is still intent on building that out. The other thing that you will note in the original PDD legislation was that it did not address the current site activities. Since we wanted to come in and confirm that this was a project that the owner was intent on building out and my suggestion to the applicant was let's make sure that the legislation also addresses the fact that there is on-going commercial excavation on this site and has been for

some time as the Board members are aware. There is on-going commercial excavation and we have added some language to the PDD legislation to acknowledge that that is occurring and through the legislation would be allowed to continue until such time as the project is built out. So, that is one clarification aside from the procedure on the actual site plan review on a lot-by-lot basis for the buildout that these activities are occurring. Also, one of the questions from the Chairman was "how long will that excavation last?" We submitted to the Board the current mining permit that does run through 2017 and that was a hard question to answer because the intent on building out the industrial park is dependent on the market. Look at the relative timeline; approved in 2005 and unfortunately by 2007 the economy is going down and by 2008 that there's no ability to finance that. These site activities did continue so, is the applicant intent on building it out; yes. Can I tell you that it's going to be buildout next year; I can't do that because it depends on the market. In the interim, the owner is intent on continuing the current site activities plus gets the flexibility to continue to profit off of the site and do those value added products. So, we did give you the mining permit that shows what currently is permitted on the site and that permit does run through 2017. You did receive recently, and Mr. Harris received this in the Planning Department, an additional notification from the New York State Department of Environmental Conservation (NYSDEC) concerning one of the blended products at that site and that is compost and topsoil and that has been going on for several years here. The NYSDEC permit on page 1 and if you look at that within the authorized activities, it does acknowledge the importation of material, which is basically yard waste, brush, limbs and things like that for grinding to make compost and also to blend with the on-site materials to make topsoil. So, that is one of the activities that we wanted to make certain that the Board and the Town was aware of. Also, in our February 10 submittal, we acknowledged topsoil blending as one of those value added products that the applicant wished to pursue. Timing wise; all we've said is that the owner could continue those mining activities through the current permit term of 2017 and they are going to try to pursue the build out of the industrial park prior to that, but would reserve the right to continue the site activities through the current permit term of 2017. Another question was what other products and where on the site would those blending activities occur. One of the things that the owner is looking to do is to be able to use this site economically. The material is being excavated and brought off site. It's either going off in raw product form for sand and gravel products or through a blended product. What we call a value added product; currently that does include compost and topsoil. What they would like to do is to have the ability to add those and a question of, could that include blacktop and the answer to that is yes. So, in our February 10 submittal we gave you information concerning the type of portable equipment that could be brought onto the site, blend the gravel that's already excavated on this site and remove it consistent with what those current materials are leaving and they wouldn't leave the site as raw materials, they'd leave the site as blacktop. We've identified the location of where that could be and the Board did ask what the height was and can you see it from Route 146 and can you see it from Routes 4 and 32. So, Mr. Lansing did prepare some line of site profiles. Mr. Lansing stated the following: As Mr. Gilchrist did say, as far as the location, we've identified a location in this area and what we've done is we've provided a couple views and a couple sections taking a look at topography; both existing and proposed and the vegetation that is in those areas as well. We choose these two locations because from Route 146 we feel that this is the highest probability for potential visibility of this site and likewise on Routes 4 & 32. I will start with section AA, which is from Route 146 in this vicinity and we run a section through back to the area and that area is approximately 1,250 FT back from Route 146 and below that we have a profile basically showing Route 146 in this vicinity; the existing vegetation, the existing proposed grade and then down towards the area where the value added products would be. We do have a blowup of that area so you can see the different products and how they are depicted on the profile.

We have the materials stockpiled with a portable conveyor that is approximately 60 FT high, the portable asphalt equipment that is 60 FT high, the portable crusher that is 20 FT high and the portable material screen that is approximately 10 FT high. We are basically taking these and fitting them into the profile and running a line of sight from where we are showing a tractor-trailer on Route 146. So, it is basically looking out the window of a tractor-trailer. With the existing vegetation in sight, it would not be visible when and if that vegetation is taken down. There would be a line of sight back towards this area and we would like to note that we are proposing an area where we would have a berm and some plantings and a mixture of both evergreens and deciduous. With those at the initial stages there would be approximately 20 FT of the conveyor or portable asphalt equipment that would be visible until that vegetation did mature to screen that. Again, that is approximately 1,250 FT away from Route 146 so; 20 FT would be visible at approximately 1,250 FT. The second section was done from Routes 4 & 32 in this vicinity and this is the highest spot and in our opinion the highest probably for a visual of that site again, this is a blowup of that area. There is a section going towards the area and we have done the same thing; we show Routes 4 & 32, a tractor-trailer with a line of sight with the vegetation in place and I don't believe there is any chance of that vegetation being cleared or graded in that area, but with that vegetation in sight and with the topography, there is no visibility from Routes 4 & 32. If that vegetation is cleared, the topography would screen that area as well. Mr. Gilchrist stated the following: So; in the proposed legislation, we just want to make it clear that those types of site activities that are currently ongoing are referenced in the legislation, because the current PDD does not. All of these activities are regulated, we submitted the mining permit for the material excavation and removal, and you've just received the registration that the department issues concerning the compost operation and even the portable asphalt equipment would be regulated by the NYSDEC as well. So, we wanted to show that some of these activities are on-going and the owner would like some flexibility to add to some value added products to the site until such time as the underlying PDD approval is built out, which they're intent on doing. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Informational Meeting at 7:32pm. Mr. Higgins stated Mr. Lansing said that there is nothing visible from Routes 4 & 32 and I was driving on Routes 4 & 32 today and looking up, you can see the stockpiles from Routes 4 & 32. Mr. Lansing stated that may be the area where there is the active mining, but as far as where we're proposing the operations; based off of our analysis of our topography, it's just not possible. Mr. Higgins asked is that actually going to be lower than where they are doing the mining now? Mr. Lansing stated it is further over the crest of the hill, plus we're lowering it as well so; it's a combination of both distance, existing crest and lowering it. Mr. Higgins stated as far as value added; hypothetically if there was an asphalt plant there, what products on-site are going to be put into the asphalt? Mr. Gilchrist stated the following: Primarily the aggregates that are excavated and then crushed on-site. So, clearly there would be the importation of the asphalt product. Mr. Higgins stated the following: typically asphalt; you usually use a high tensile stone that I don't believe is on-site. So, unless you're doing a non-New York State Department of Transportation (NYSDOT), about the only thing that I can figure out that you're going to use from the site might be some sand. So, you're going to have to bring in the oil or the material and you're going to have to bring in the crushed stone. Mr. Lansing stated the following: You're right as far as the composition of asphalt; it is sand, stone and asphalt and there would be sand on-site. They are proposing the screens that would separate out those materials so; I would imagine that the sand on-site would be used in the asphalt. Asphalt; the actual liquid asphalt would be imported in and the high friction aggregate would be imported in as well. Mr. Higgins stated so; basically the only thing you're getting on-site is sand. Mr. Lansing stated yes, that would be my estimation. Mr. Higgins stated hypothetically, once they put an asphalt plant in there, don't you think that's going to be detrimental to trying to

market the site for warehousing or production facilities or anything else when you're having all these dump trucks and the noise, the smell and everything else in the same area that you're trying to market. When you came and presented this to the Town Board and the Planning Board in 2005, it was told to us that you were trying to actively build an industrial site and we were all in favor of it, we are still in favor of that, but as far as an asphalt plant I, in my own mind, cannot see it. We have another similar facility in the area where they can't market it because of the fact that they have an active mining facility going on and they just can't market it. They've gotten two sites marketing and that's it. You haven't been able to market any of these sites in almost nine years and all I'm saying is putting an asphalt plant in there isn't going to help your marketing strategy at all. Mr. Nadeau asked Mr. Harris how many landowners were notified for the public informational meeting? Mr. Harris stated the following: I will have to check the file, but we did not receive any written comments or protocols on it. I will get that exact number for you. Mr. Nadeau asked do you have an approximation of how many notices were sent. Mr. Harris stated I think about a dozen or somewhere in that range. Mr. Nadeau asked what areas did you go in? Mr. Harris stated we stuck to the notification required in the code, which are adjacent property owners and those across the street or right-of-ways. Mr. Nadeau stated the following: My concern is that I don't know if enough people were notified knowing that possibly an asphalt plant could be going in. I just feel that we should have broadened the announcement because Sheldon Hills is not all that far from here. Mr. Harris stated if the Board doesn't decide on an expanded notification, we follow the Town code, which is to notify just the adjacent and across the public right-of-way. Mr. Higgins stated the following: Another thing that I was concerned about; I've driven by there several times in the last couple of weeks and if you have dump trucks full of asphalt pulling out and trying to make a left onto Route 146 and you have traffic coming up the hill there and at that point it goes down to one lane and I realize that you're hypothetically going to have a turning lane there, but I just can't in my mind picture dump trucks pulling out and making a left and trying to accelerate up to the 45 mph that it is in that area. I think we're just asking for a problem and I know you didn't propose as part of this clarification to put the traffic light in immediately rather than at a certain build level, but with the amount of trucks and I've been past asphalt plants before and easily you can have 30 or 40 or 50 trucks lined up waiting to load. So, that many trucks going out compared to the truck traffic in and out of that facility now and I think we're talking about a drastic difference. Mr. Ouimet stated the following: I have a couple of points that I want to raise and ask for clarification. You talked about truck traffic now; what is the truck traffic volume now at the site? Mr. Lansing stated approximately 2,000 tons per day or approximately 100 to 115 ten-wheeled trucks per day. Mr. Ouimet asked 115 trucks a day? Mr. Lansing stated up to yes; between 100 and 115 and that equals roughly 2,000 tons. Mr. Ouimet stated under this proposed change how do you anticipate the truck traffic to either increase or decrease? Mr. Lansing stated we would anticipate it to remain the same in that if any materials were brought in, they would be brought in on trucks that would otherwise be empty entering the site and they would leave with either sand, gravel or one of the other products that would be produced on-site. Mr. Ouimet stated so you are not suggesting that there will be an increase in truck traffic. Mr. Lansing stated yes. Mr. Roberts stated even with the blacktop plant there wouldn't be an increase in truck traffic? Mr. Lansing stated the following: It is a portable plant and it would not be a bigger plant and I think that some of the plants that were referred are larger operations or permanent fixed operations. Again, this is a smaller different operation. Mr. Higgins asked how many tons an hour is it capable of? Mr. Lansing stated I'm not sure on that, I would have to check on that. Mr. Roberts stated so; trucks would not be coming to the site to pick up blacktop? Mr. Lansing stated they would absolutely. Mr. Roberts stated okay, they would so; you would have to increase the truck traffic wouldn't you? Mr. Lansing stated instead of grabbing sand or gravel, it would be potentially gravel

and asphalt. Mr. Ouimet stated the following: Isn't that in addition to what they are grabbing out of there now? Why would it be one or the other, why would they switch from sand and gravel to now all just blacktop? Mr. Lansing stated I understand what you're saying, but the way it has been indicated to us is that it would be one or the other and that they would be using products from on-site mixing them, blending them and sending them off in roughly the same volumes and the same number of trucks per day. Mr. Ouimet stated okay, but to me, that's confusing. Mr. Roberts stated I agree. Mr. Berkowitz asked how long does it take to blend the product and put it back into the truck? Mr. Lansing stated the following: It depends on the type of product. I think compost would take longer, crushing is a different aggregate or taking from a stockpile would be pretty much as quick as they could load it on a truck. Mr. Berkowitz asked how long would that take because you could have a truck idling there for an hour or two while they are waiting and you're not going to pay somebody to idle for an hour. Mr. Lansing stated I don't know on that, but I would have to check on that. Mr. Ouimet stated the following: Here is the thing that bothers me; are you asking for us to approve a blacktop plant for this site or are you asking us to say that it's okay to do these enhanced activities at this site as part of your mining operation while maybe someday you may turn this into an industrial park? These are two separate questions as far as I'm concerned. If you are asking this Board to consider the operation of a blacktop plant on this site as part of your industrial PDD, that is one question. If you're saying that you are only going to use portable equipment and only do this for a fixed or a finite period of time, that's a whole another thing. I don't know. What are you really asking for because you have to be clearer? Mr. Gilchrist stated the following. That's a good question and it's the former. This is not a request by the applicant to say that a permanent fixed asphalt plant would be one of the fourteen lots of the industrial PDD, no. Let's make that clear on the record. Mr. Ouimet stated the following: Okay. So, how long do you propose to utilize this "new blended item"? Mr. Gilchrist stated I understand that questions also. Mr. Ruchlicki stated actually, I thought I heard you say that twice that upon buildout that the asphalt blending facility would be abolished. Mr. Gilchrist stated the following: Correct and that's not part of that and we confirmed that. This was your first questions and I didn't mean to not answer it or be evasive. Believe me; I'm not trying to do that at all. It's just that I can't tell you that it will be there for one year or it will be there for two years because I don't know that. If you're asking for a definitive timeframe from the applicant on when they are going to start the buildout of the industrial park, when are they going to start with the self-storage units on the first lot and when are you going to subdivide the property, we can again request that from the owner, but right now, and it is not an evasive answer, it is market driven and he's not prepared to do it today. Yes, he is actively working on that. Mr. Ouimet stated I know that you are not trying to be evasive. Mr. Gilchrist stated and I apologize if it looks like that, but I'm not trying to do that at all. Mr. Ouimet stated maybe it's the way I'm phrasing it; does the applicant intend to do asphalt operations beyond 2017 when the mining permit ends? Mr. Gilchrist stated I can get you an answer on that. Mr. Ouimet stated okay, so you're not ready to answer that. Mr. Gilchrist stated the following: What I submitted to you in response to Mr. Harris' question was; how long will the mining activities occur and I said that that is going to be through 2017 and we reserved the right to do that. Beyond that, I don't know. I can't tell what will stop then. Mr. Ouimet stated fair enough. Mr. Gilchrist stated the following: The same question then; if those kinds of excavation activities occur, it would be the additional blending activities would occur. So again, it's hard. If the Board is looking for that definitive timeframe, I'll do my best with my applicant to answer that. Mr. Ouimet stated the following: Okay, let me nail it down so you know exactly what to ask the applicant. Does the applicant intend to extend his mining permit beyond 2017? Right now you are telling us that the mining permit expires in 2017. So, mining activity in my mind ends in 2017. Does the applicant plan on extending that mining permit authorization? Mr. Gilchrist stated the following: I

will tell you what the answer is tonight so you can continue because I'm not doing my job for my client if I don't say that. I know my client would reserve the right to do that because these are five year permit terms from the department, but I can confirm with my client whether there is an intention to renew the permit for an additional five-year term, correct. Mr. Ouimet stated I'll tell you why I think that is important because that gives us a sense as to when this industrial park may or may not ever be built out. Mr. Gilchrist stated I do understand the question and you did phrase it well. Mr. Roberts stated from what I'm hearing here is that it is possible that the blacktop plant could be there forever. Mr. Ouimet stated right, but it's also possible that it could be there for a week or two weeks and we're not getting a good sense here. Mr. Berkowitz asked is this a twelve-month operation or a six-month operation during the year? Mr. Higgins and Mr. Ruchlicki both stated that it was a ten-month operation. Mr. Gilchrist stated the following: Generally these are seasonal and not operational during the winter months and it is portable equipment capable of being brought into the site and removed from the site. That's the nature of the equipment. Mr. Ouimet stated the following: In addition to the issue with the mining permits, I think you need to take a look at the question of whether or not truck traffic is going to be increased if this activity is allowed to exist. Mr. Ruchlicki stated the following: Then if I were to make the assumption; I would like to say to you that we're looking for a definitive timeframe on whether or not it would there forever or for a period of time. Could we also say that based on the local area and the need and requirement for that product would also have an effect on the length of time that the operation would be going on. If there is no market, I'm sure that your client wouldn't entertain having a non-marketable product there because you are certainly not going to haul blacktop all the way to Lake George. Mr. Gilchrist stated the following: You're correct on that and absolutely not; as you know, the only way that product is marketable is the trucking and trucking is a key component of the price. So, there has to be a local market for that. Mr. Ruchlicki stated the following: That's really where I was going with my question. It's not really a question, it's more like a statement and I just wanted to get that on the record. Mr. Higgins stated Mr. Lansing said that that site has historically been about 100 trucks a day. Mr. Lansing stated 2,000 tons per day is what the applicant indicated and 2,000 tons divided by what a truck carries, works out to roughly 100 to 115 trucks per day. Mr. Higgins stated do you have records showing that? Mr. Lansing stated I do not have records of that and that is what the applicant has indicated. Mr. Higgins stated the following: I think this Board would like to see those records because I know I live in the area and several other members of this Board also live in the area and we remember seeing trucks in and out of there, but it's been sporadic and it has not been anywhere near that number of trucks. So, if the applicant has proof that he can show that that number of trucks went in and out of there on a daily basis for the last couple of years, I think that we would like to see that. Mr. Nadeau stated regarding the public hearing notice that was sent; what was the actual verbiage stating what was being done here? Mr. Harris stated the public hearing notice is in the file. Mr. Nadeau stated I guess my concern is if the public actually understood what was possibly going to take place here. Mr. Ouimet stated be that as it may; I think a number of additional questions were raised tonight and what I would like to do, depending the Board wishes, is to get answers to those questions that we raised and to reopen the public hearing at that point in time, do an expanded notice and cover some more of the affected area and move on from there. There are a lot of issues that are unknown at this point. Mr. Higgins stated I suggest also that we notify the City of Mechanicville because they're going to be directly affected by this and they may in fact give us input as far as whether they want to send out some kind of notice to some of their residents. Mrs. Murphy stated what I hear the Board saying is; based on the lack of information or ability to respond today, the application before you is not complete, therefore, you are requesting that a Public Informational Meeting be rescheduled with expanded notification upon such time as the application is deemed complete. Mr. Ouimet stated

that is correct. Mr. Harris stated therefore, you're not going to set a tentative date for the new Public Informational Meeting. Mrs. Murphy asked Mr. Gilchrist and Mr. Lansing how long would it take for you to get the information? Mr. Gilchrist stated we'll let the Town know once we review your inquiries with the client and then we will notify you. Mr. Harris stated okay, then they will come back before the Board and then you'll set the date for the Public Informational Meeting. Mr. Ouimet stated that is correct.

This item was tabled and referred to CHA for their technical review and the applicant was asked to provide clarification on the following points: (1) The applicant's intentions to continue mining operations past 2017; (2) Intended duration of use of the proposed asphalt batch plant; (3) Copies and information related to existing truck traffic records entering/exiting the site; (4) Additional information/data related to potential traffic generated by the proposed uses.

Public Hearings:

13.115 PH

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

Mr. Ouimet opened the Public Hearing at 7:34pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Kevin Dailey, Esq. stated the following: I'm an attorney from Vischer-Ferry representing Mr. Dahoda who is in the audience tonight. Mr. Dahoda is here tonight with his daughter, his wife and his son-in-law. When we were last before the Board, I think I pretty much managed to confuse the entire Planning Board. What we're talking about is an existing lot, which is Lot #2 in the Sandy Rock subdivision. It is Mr. Dahoda's desire to build a home for his daughter at this location except that the Sandy Rock subdivision, although it was an approved subdivision in 2011 with a filed map, has not been developed yet. So, to go ahead and actually use this lot, which is a legal existing lot, it requires an access to a public road that would be Dunsbach Road and that requires a flaglot and you can have one flaglot per subdivision according to the Town code and that flaglot has to have 20 FT of access. So, we're on our third try working with the Planning Department and we were able to sketch out a route that would take us out to Dunsbach Road and it meets all the requirements of the Town code and would permit this to move forward. We're not actually creating any new lots. This is all boundary line adjustments and this configuration would cease once the Sandy Rock subdivision is under construction and that is now under contract. So, this is probably a temporary situation probably not to exceed more than 12 to 18 months. I know that I explained this to the Planning Board the last time I was here; however, Mr. Ouimet was not here so, if he has any questions, I'll certainly delve into a little bit deeper. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:37pm. Mr. Higgins asked do they intend to build the driveway on the 20 FT? Mr. Dailey stated the following: No. There is an existing driveway that comes into the lot, which is actually the emergency access way for the Sandy Rock subdivision as approved by this Board. That existing driveway, which is blacktop, will be used to access the house when built. So, that would require easements across the other properties that it crosses. Meanwhile, the flaglot, which I've outlined in yellow, only provides the access out to Dunsbach Road to meet the legal requirements of the Town code and there is precedent for that in the Town. Mr. Higgins stated I'm not questioning that, but does the applicant intend to get an easement across the emergency access? Mr. Dailey stated the following: Yes, legally we'll have to, legally we'll not be able to get a mortgage on the property unless you can show a legal way to get to the property. Mr. Higgins stated on the eight-inch water main that's shown that I'm told is actually existing, correct? Mr. Dailey stated that is what Mr. Dahoda said. Mr. Higgins stated the following: Okay. Have you received written confirmation from the Town's Water Department that that can be

used because a lot of times if it is a dead ended water main, Mr. Frank Tironi, Director of the Town's Water Department, has in past has reserved use of that if it is dead ended. I don't know, but maybe you have talked to Mr. Tironi and maybe you have that all squared away, but obviously if you're intending to use that water, we would need confirmation from the Water Department that it can be used. Mr. Dailey stated sure, we'll get that for you and that's a water main that will be used to serve the subdivision when it is built. Mr. Higgins stated correct, when it is built. Mr. Dailey stated by the way, we have a contract on the subdivision and we expect that that will be under construction sometime this year. Mr. Higgins stated but we have to look at worst case scenarios. Mr. Dailey stated just like the matter that just concluded; how long? Mr. Ouimet asked Mr. Dailey to show the Board where the emergency access is located. Mr. Dailey showed the Board where the emergency access was located and stated that this is the last lot on the right-hand side of the cul-de-sac. Mr. Dailey also showed the Board where the existing blacktop driveway was located and stated that they will need to obtain easements for three different homeowners, who are all from the Dahoda family, to make this work in terms of getting a mortgage. Mr. Ouimet asked if the driveway was built to code. Mr. Dailey stated yes and it can support 75,000 pounds. Mr. Berkowitz asked how long is the driveway? Mr. Dailey stated the following: The driveway is 1,376.92 FT long and Mr. Dailey also showed the Board where the 20 FT strip was located and stated that that would be a boundary line adjustment and it works according to the code. Everything will revert as soon as the subdivision, but this strip will stay with this. Right now this is a landlocked lot and it has no access to the road so, this will stay with it so that this lot will become legal and this will revert and go out of existence. Mr. Ouimet asked what event triggers the reverter; the buildout of the subdivision or the construction of the subdivision? Mrs. Murphy stated the following: We discussed this at the last meeting and if the Board were to grant this subdivision, it is based the subdivision and not on the reverter because you don't know if it's ever going to be developed. Hopefully, Mr. Dailey is accurate for Mr. Dahoda's sake and they will be developed and sold quite quickly, but the subdivision on it has to stand on its own and as it's laid out from a legal perspective it does. Mr. Higgins asked if the fire department had reviewed this proposal. Mr. Harris stated no, I did not, but I did review it with the Town's Emergency Services Coordinator, Mr. Steffen Buck. Mr. Higgins asked so, they don't want any kind of a hammerhead or anything for the trucks to be able to turnaround if they have to respond in there, because without somewhere to turnaround, they are going to have to back out 1,600 FT. Mr. Ouimet stated I would think that this should be reviewed by the West Crescent Fire District. Mr. Harris stated yes, we can do that. Mr. Dailey stated I think we have a turnaround. Mr. Higgins stated it doesn't show anything. Mr. Ouimet stated I guess the questions is has anyone shared this with the West Crescent Fire District? Mr. Dahoda stated the following: There is an existing roadway and where it turns here, this doesn't end and it goes right on down through the rest of the properties and goes out to Beach Road and it's all blacktopped. Fire trucks have been in there and they can drive right through and there is a big cleared area that you can turn tractor-trailers around in there. Mr. Higgins asked is it paved? Mr. Dahoda stated the following: That's not paved but it is solid because we put heavier trucks than fire trucks up in there. My nephew has a 46,000 pound excavator that he is running up through there with. So, as far as the roadway goes and we've been through this with Sandy Rock. Mr. Higgins stated I'm sure it will be fine, but as a matter of course on something like this, we always request the Fire Department that has jurisdiction to look it to make sure that they are happy with it. Mr. Dahoda stated and that's fine, but just so you know what is actually going on there. Mr. Higgins stated I did not realize that it goes all the way through. Mr. Ouimet stated the following: We could determine what to do with it contingent on Fire Department approvals and also with the water. Is it your intention at some future point to create flaglots where all of these other lots are located along the easement? Mr. Dailey stated no, there is only one flaglot allowed

by code within a subdivision as I understand it. Mrs. Murphy stated we have modified that. Mr. Ouimet stated yes, the code has been changed. Mr. Dailey stated the Sandy Rock subdivision would be a full subdivision with a Town highway. Mr. Ouimet stated the following: That's not my questions. You have other lots here that have no frontage other than this strip. Mr. Dailey stated there is no intention to do that and if the Planning Board would like to put in a resolution, if in fact you approve one; that this shall be the one and only flaglot and we would be happy with that. Mrs. Murphy stated the following: For clarification purposes; one flaglot is being created now. If and when it does revert, there will be in essence a different flaglot created because they're making a currently landlocked parcel a non-landlocked flaglot, which is consistent with one flaglot, but it will be different. I just want to make sure that the Board is aware of that. Mr. Ouimet stated yes.

Mr. Higgins made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Roberts seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to approve the Minor Subdivision/Lot Line Adjustment for the Dahoda Subdivision with the following condition(s): (1) There shall only be one flaglot created as part of this subdivision; (2) The applicant must receive written confirmation from the Director of the Water Department that the applicant may connect to the existing water line; (3) The applicant must receive written confirmation from the West Crescent Fire District that the proposed access to the flaglot is acceptable; and (4) The applicant must submit copies of all easements through adjacent parcels providing use of the existing driveway/emergency access to Dunsbach Road. Mr. Roberts seconded. All-Aye. Motion carried.

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

Mr. Ouimet opened the Public Hearing at 7:48pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Peter Reilly stated the following: I'm here on behalf of the Estate of Keith Millsop and Chuck and Amy Poe for a lot line adjustment. The property is located at the intersection of Anthony Road and Farm to Market Road. This is the last piece of property owned the Millsop's and the rest of the property has been developed through the years. The lot on the north side of Farm to Market Road is a one-acre building lot and it has been conveyed and the purchaser of the property did not want the triangular piece that is formed by the intersection of Farm to Market Road and Anthony Road. So, it's not a matter of someone wanting this property, it's a matter of he didn't want it. So, what we're going to do to make things right is to combine that triangular parcel with land that is presently owned by one of Keith Millsop's daughters. The Board did have questions and they realized that they can't use it for anything, it's not buildable, and there are no accessory structures and no nothing. We're just going to combine it for tax purposes. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:50pm.

Mr. Nadeau made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Roberts seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to approve the Minor Subdivision/Lot Line Adjustment application for the Millsop/Poe Subdivision. Mr. Ruchlicki seconded. All-Aye. Motion carried.

13.118 PH Ballard Subdivision, Smith Road – Minor Subdivision

Mr. Ouimet opened the Public Hearing at 7:51pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor,

PLLC stated the following: I'm here representing the Ballard Subdivision. This Public Hearing is to clarify and correct for the public record statements that were made at the January 13, 2014 Public Hearing about the jurisdictional status of the wetland complex on the Ballard parcel. The complex that's in question is a strip that runs down through here and we were proposing a 3-lot subdivision for Lot #1, Lot #2 and Lot #3 with the wetlands affecting Lot #2 and Lot #3. At the previous Public Hearing I stated that the wetlands on-site were only under Army Corps of Engineers (ACOE) jurisdiction and that they were not under New York State Department of Environmental Conservation (NYSDEC) jurisdiction. After questioning by the Board members and a few of the neighbors, the Board required further review of the wetland status prior to the signing of the subdivision map. After reviewing the documentation and consulting with the NYSDEC Region #5 to see if there were any modifications to the boundary or jurisdictional status that has taken place, it was determined that the entire wetland complex is under the proposed NYSDEC jurisdiction. Based on that, we revised our subdivision map to reflect the proposed jurisdictional status change and we have acquired the NYSDEC permit for disturbances within the 100 FT adjacent area. So, we have added the 100 FT adjacent area on both sides and we have received a permit from the NYSDEC for the proposed activities. Mr. Ouimet asked what did you do different? Mr. Rabideau stated we added the 100 FT adjacent area, we moved the driveway further away from the wetland complex and based on what the Board requested at the last meeting, we moved the proposed house outside of the 100 FT adjacent area. Also, we did add a 50 FT no-cut buffer as per one of the statements within the NYSDEC permit. Mr. Ouimet stated right and all the other issues that we discussed at the last public hearing and the approvals are in place, correct? Mr. Rabideau stated yes, this was strictly regarding the wetland issue. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Carl Neumann, 23 Eleanor Court, stated the following: I am the owner of the lot behind Lot #1 and asked if anything changed at all in terms of Lot #1. Mr. Rabideau stated no, the only change that we made was to add a 15 FT no-cut buffer and we reoriented the houses so this one was more looking like this and now it's more like this. Mr. Neumann asked has the location of this house moved at all? Mr. Rabideau stated no. Mr. Ouimet closed the Public Hearing at 7:54pm.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Minor Subdivision application for the Ballard Subdivision. Mr. Nadeau seconded. All-Aye. Motion carried.

New Business:

14.014 NB Windsor Woods Phase II, Vosburgh Road – Major Subdivision

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of Mr. Peter Belmonte for the Windsor Woods Phase II project. The project is located along the northern side of Vosburgh Road and the property consists of about 5.5-acres. The last time this project was before this Board was a Public Hearing back in January of 2013. At that time the proposal was for three lots for three duplex units that also required Special Use Permits as well. Based upon the feedback that we received from the Board and the public at that meeting, we did take a look at the plan again and we're back before the Board now with three single-family lots. Quite a few of the Board members here indicated in the meeting minutes that they felt that single-family residences were more appropriate for this area. So, that is why we are back before the Board with this new proposal. The proposal is now for three lots for single-family residences and we have one shared driveway that will come off of Vosburgh Road that will service the three lots. The three lots will continue to have municipal water as well as sanitary sewer service. We will manage stormwater in

accordance with the New York State Department of Environmental Conservation (NYSDEC) regulations. We are here tonight to answer any questions that the Board may have and to advance this project to however this Board sees fit. Mr. Ouimet asked can you tell us what the status of the sewer on Vosburgh Road is? Mr. Belmonte from Belmonte Builders stated the following: The contract has been let on that project many months ago and with the present weather conditions, it has been delayed. We have a commitment from the excavator that's doing the project that they were going to be staging today, but we do know that there is a mechanical problem when temperatures get as low as they're predicted to be later in the week and those pumps will not operate efficiently at those temperatures. So, we may be actually delaying the start until next week, but it is on the imminent drawing board to be underway and that contract was let six to eight months ago. Mr. Nadeau stated looking to the right of the driveway, what's the remaining properties, is that a non-buildable area in the large green area? Mr. Dell stated regarding the large green area; there is a NYSDEC wetland complex that is over here. Mr. Nadeau stated okay, so basically it is not buildable. Mr. Dell stated correct. Mr. Higgins asked are you going to show the wetlands delineation on the map? Mr. Dell stated yes, the project detailed plan will have the wetland delineation on there. It is actually on there and it encompasses the circular line and that is actually the 100 FT buffer line to that wetland. Mr. Higgins stated the following: Okay. So, this basically from here on; the darker area would then be a no-cut buffer. In other words, that cannot be cut or anything like that. Mr. Dell stated correct. Mr. Higgins stated how about the archeological area; has that been checked out yet or not? Mr. Dell stated the archeological work has been done and this is an archeological avoidance area so, that will be worked through with the New York State Historic Preservation Office (SHPO) as we work through the project to have a deeded no disturbance area and an avoidance plan with SHPO. Mr. Higgins stated is there no possibility that that area could extend into where you want to put the driveway, correct? Mr. Dell stated no and if so, at that point in time we'd have to go back through and get that cleared through SHPO. Mr. Belmonte stated the following: As the Board may recall, for the members that have been on the Board for quite some time, that this portion of the project was part of the initial Windsor Woods subdivision approval. These particular five-acres were original earmarked for three duplexes and it was pending approval. The challenge that we had at the time was that we knew there was an archeological sensitive area and we needed to go onto the next phase because the initial phase uncovered the fact that there was a sensitive area. We've since advanced to the next phase and have done a very significant dig out there making sure that we identified the perimeters of that area. So, I believe we've done both a Phase 1 and a Phase 2 archeological study in that area and we have identified the area of concern and have included that in our avoidance plan that has been presented to SHPO. Mr. Higgins stated the following: Okay, I just wanted to make sure that you could get a driveway in there and that it wasn't going to be a problem. As far as the driveway; what standard is that being built to and is that driveway going to be able to handle emergency vehicles? Mr. Dell stated yes. Mrs. Murphy stated the Highway Department is making me aware that the sewer product is actually on-site today.

Mr. Berkowitz made a motion to set a public hearing for the March 10, 2014 Planning Board meeting. Mrs. Smith-Law seconded. All-Aye. Motion carried.

14.022 NB Halfmoon Baseball Little League, 217 Guideboard Road – Change of Use

Mr. Greg Bold from Halfmoon Baseball stated the following: I'm here this evening for the Halfmoon Baseball League and we are seeking a Change of Use and Tenant in the tenant space formerly occupied by the Army-Navy Store at Salty's Plaza. I know you all just went through this at the last

meeting with another club using another space and unfortunately, I was just a little delinquent in getting our application in. I would have liked to be here at the same time so you could have covered everything at once, but it didn't work out that way for that evening. What we are looking to do is to setup a practice facility at this site. The intent is to setup a couple of batting cages and a spot for the kids to be able to throw baseballs around during the winter months and obviously we have to go through the middle of April or so before we're able to get outside. I was here at the last meeting and I got to hear the Board's concerns with what is going on particularly with the parking at the site and the other teams use of the adjoining tenant space. We're looking to have three different teams that will kind of be rotating through. Sometimes they will be there in the evenings between 6:00pm and 9:00pm or so and then some intermittent times on the weekends. Each team has 12 kids on it anywhere from age nine to thirteen and that depends on the team in question that we have in there. Given the size of the space, we can really only have about six kids in there at once, otherwise they're just going to be tripping over each other and that is not productive. So, it's pretty much a scenario where at any given time we have three coaches in there working with the half of dozen kids in there and say 45 minutes later they change over and it is a drop off situation for the parents and vary rarely do the parents hang around. So, from a parking standpoint; it should be a matter of just where the coaches that are in there would be the ones there for the evening and we certainly don't have a problem just having them go around to the back of the building as well. We wouldn't have the kids dropped off in the back or anything because that's not a great idea, but I certainly don't mind asking our coaches to park in the back especially if it is busy evening at the lot. In terms of the timing for this; we would be out of the tenant space probably in the middle of April and certainly by May 1st we would be done and out of there and now playing in the park where we should be. Moving forward; I fully understand that this is year by year thing so, if we're given permission to utilize the space for the next month and a half or two months, then that would be the end of it and if we're going to try and do it again next fall, then we would come back to the Board next fall and start the process all over again. Mr. Higgins stated the following: At the previous meeting we discussed the problems with parking that has been historic on this site and I think if you drove by there tonight, from what I understand, you would see that there is definitely a parking problem there. I just want to make sure that this application is just until May 1st. We are looking at a maximum of 3 or 4 cars being parked there in association with this application and I just want to go on record to make sure that the facility owner realizes that this just is a special temporarily use application for this site and it does not reflect on any kind of future applications that might come in as far as a permanent basis for those sites. Mr. Nadeau stated I would agree with Mr. Higgins that we're not setting a precedent here based on that so, with Mr. Higgins wording, I think that suffices for this. Mr. Ouimet stated I think this is somewhat of an unique use and it is for a unique duration of time between now and May 1st, assuming that the snow goes at some point in time. Mr. Bold stated sure it will because come April 15, we're outside. Mr. Ouimet stated the following: I think there is a limited amount of parking that's going to be occupied for this use. I believe at the last approval the parking situation was limited to three spaces; would you need that many or not because I don't know if your coaches carpool. Mr. Bold stated typically not the coaches as they come there on their own, but a lot of times the kids will carpool. I don't want to promise you that they would only be using two parking space and you're going to drive by and see three parking spaces used there. Mr. Ouimet asked could you promise us that there won't be any more than three? Mr. Bold stated yes because we're anxious to get in and get going here and we can certainly work with our families to make sure that this is a drop off situation and that they are not just going to hang out in the parking lot for 45 minutes. Mr. Ouimet stated okay, I think you pretty much know our concern about the parking at that plaza. Mr. Bold stated yes. Mr. Ouimet asked what would be your hours of operation? Mr.

Bold stated the following: On the weeknights the earliest any of the teams would start is about 6:00pm to 9-9:15pm. I know the thirteen year olds are going to start a little later and finish a little later and the nine and ten year olds are earlier in the evening. On the weekends; I would assume that 9:00am will be the earliest that anybody would go in there and by the middle of the afternoon there shouldn't be any teams in there practicing. Mr. Ouimet asked would you use this facility seven days a week? Mr. Bold stated the following: Probably not on Sundays. I do see Saturday practices and there may be a couple of stray Sunday practices in the early afternoon and that would be it. Mrs. Smith-Law stated could you assure us that you will be using those parking spaces behind the building for your coaches? Mr. Bold stated yes, we can certainly instruct them to do so and there are a couple of coaches who are present here tonight, so they've heard that firsthand. Mrs. Smith-Law stated okay, thank you.

Mr. Nadeau made a motion to approve the temporary Change of Use application for the Halfmoon Baseball Little League with the following condition(s): (1) No charity events or clinics be held; (2) The tenants are limited to the use of three parking spaces; (3) The tenant must vacate the tenant space by May 1, 2014. Mr. Berkowitz seconded. All-Aye. Motion carried.

Old Business:

06.185 OB Princeton Heights, Princeton Street – Major Subdivision

Ms. Nadine Shadlock, Counsel for Belmonte Builders, stated the following: I appear before you tonight in connection with our application for preliminary plat approval for Princeton Heights. Mr. Jason Dell from Lansing Engineering would like to do a brief summary as we made a few revisions to the concept drawing further improving it. We now have 40.5% undisturbed to be left in a natural state and he would like to talk to you briefly about some these modifications and thereafter Ms. Shelly Johnston from Creighton Manning will be speaking to you about the traffic. Mr. Ouimet stated the following: I would just ask you to be brief because we heard a lot on this project for a lot of years now. Just tell us where you're making changes if you have since the last Public Hearing and then we'll go from there. Mr. Dell stated the following: Briefly to go through the changes that we made since the last time and these are basically to answer direct questions that were posed of us or to clarify some points. First was respect to a buffer along the Northway; originally we proposed a blanket 50 FT deeded no-cut buffer just along the Northway. We've since increased that buffer to follow the proposed tree line that we had on the last plan. If you recall, the two didn't coincide and I believe the question came up that you have this deeded no-cut buffer, however, your tree line extends out beyond that and how do we know that they're not going to clear that or future residents aren't going to clear there. So, we did include a new deeded no-cut buffer that will follow along with the proposed tree line. In addition to that, we would supplement that proposed tree line and deeded no-cut buffer with evergreen plantings, which we are specifying the spacing of between 10 to 12 FT per tree to supplement that tree line in between the deciduous plantings. Additionally, we also provided a deeded no-cut internally within the subdivision and that will follow along with the proposed dark green tree line that we're showing on this plan. We also provided a kind of typical landscaping plan that will be included with the final plans. For all of the intersection areas where headlights are concerns for the existing residences; the typical plan that we showed kind of shows the proximity, the location and the proposed number of trees. However, the applicant has indicated that he would agree to meeting with the individual homeowners in coming up with a mutually agreeable landscaping plan that we would include with the final subdivision plans. Again, we agreed to do the drainage improvements that were discussed at length along Manchester Drive as well as up on Newcastle Road. Then we also provided a plan showing what the potential density could be. We provided a plan that shows that the density of

this project could have been 59-lots as opposed to 51-lots and that plan showed the actual maximum potential of this property, however, the applicant would rather go with the 51-lot plan, which is a much more attractive plan and it provides for more significant buffers to the existing residential neighborhoods. Again, we did contact the Saratoga County Sewer District and the Water Department regarding capacity issues and both entities indicated that there is ample capacity of both. Ms. Shelly Johnston, Traffic Engineer from Creighton Manning stated the following: We provided to the Board a summary of a response to what we heard as recurring themes at the Public Hearing. Per Chairman Ouimet's point; it is not actually new information, but it is clarification of information that has been provided previously and I will highlight a couple of things. There were a few questions raised with regard to the trip generation or how many peak hour trips the project will generate and we have estimated approximately one trip per unit during the peak hour and there are a couple points of clarification: It is during a peak hour, the one 60 minute interval during the morning and the afternoon rush hour. So, that trip generation is based on actual physical counts at other existing single-family suburban residential subdivisions. We came up with that rate and it is also consistent with industry standards of the Institute of Transportation Engineers (ITE), which has documented that rate based on 300 some odd studies of single-family residential subdivisions. As a point of comparison, we also counted and did physical turning movement counts twice at the abutting residential neighborhoods on Manchester and Oakbrook and those existing residential subdivisions are generating traffic at a lower rate at .07 trips per peak hour per unit. Again, I just wanted to clarify about the trip generation. The other question that was raised several times during the Public Hearing was in regard to the width of the existing roads that will provide access into the proposed subdivision. Some of those existing roads, for example Princeton, are narrower than the Town's current standard and the Town's current standard for new subdivision streets, however, they are still consistent with industry standards for low volume residential roads. Those industry standards are both the Institute of Transportation Engineers (ITE) and the American Association of State Highway and Transportation Officials (AASHTO). So, those existing roads will be able to accommodate the additional traffic generated by our project. As I mentioned during the Public Hearing, the provision of the narrower roads serves to keep the speeds lower by having narrower streets and it serves to provide a documented traffic calming effect to keep the traffic speeds at a reasonable level for a residential subdivision. There were a couple comments raised regarding; what if there are cars parked on both sides of the street of those existing narrow streets and the inability of an emergency services vehicle to get through and we addressed that in a couple different points in our submission to the Town. One was; the proposed subdivision will have multiple points of access both to Manchester and to Princeton so, you will always be able to get to the new development via one of those means of access. If for example; Princeton Avenue's people were breaking the law and were not letting vehicles through there, you would always be able to get the subdivision via the other points of access. The proposed subdivision also provides an added benefit to those existing roads by providing similarly a second means of access. Right now Princeton does not have a second means of access and if that street were blocked, the people at the far end of Princeton would have a longer delay getting emergency service vehicles to those homes. Our project would provide improved connectivity and mobility for those existing residential subdivisions. The other subject of discussion at our last meeting was with regard to noise and there were some questions about existing noise levels in the area and we provided a summary to reiterate the noise levels that were recorded. Again, those are one hour equivalent noise levels at ten different locations surrounding the site. The point with regard to looking at this project is what impact our project will have on those existing noise levels. Because of the improvements that Mr. Dell just went through with the additional screening, the actual design of the project itself with the row of houses; those design elements will mitigate the impact on noise such that there will be

increase in specific areas of about anywhere from zero to three decibels and those areas are primarily along Princeton Avenue. To the north of our project; we won't have any impact on the Manchester Avenue area because our project isn't going to change the existing conditions north of there. Similarly, closer to the Northway; we're not going to change any existing conditions and that's obviously where the noise levels are the loudest. So, the minor change will be in this area, and again, our design of the subdivision and the additional landscaping will mitigate those impacts. Ms. Shadlock asked the Board if they had any questions? Mr. Ouimet stated is there any update to the accident information that you provided in August? Ms. Johnston stated there is no update to the accident information that was provided previously. Mr. Ouimet stated okay, thank you. Ms. Shadlock stated the following: In conclusion; based upon our submission, we had an informal gathering back at the end of August and the submission thereafter on September 4th, our Planning Board appearance in November and our Public Hearing back in mid-January we respectfully request the Board's grant of a Negative Declaration and a preliminary plat approval for our project. We believe we have listened very carefully and taken very seriously the process and provided substantial professional opinions on the things of concern, which were rightfully of concern, and we believe we have thoroughly evaluated those issues as well as we have provided a good showing for the community of the benefits on-site improvements which will benefit the neighborhood as well as off-site improvements like the drainage at Manchester, the Newcastle drainage and we respectfully request your consideration of the approval. Mr. Ouimet stated the following: I want to start by just going over where we've been with this project, the Princeton Heights proposal, and I would like to give you a timeline because this project has been around a long time. In November of 1995; a proposal by a different applicant; Berger/Stanczak, for a different configuration of parcels, approved not only the nine lot subdivision that presently exists and was built out on Princeton Drive, but also a phase 2 that approved an additional 44-lot subdivision, which was never built. So, it was always contemplated that there would be additional building in the area. In 2006 and 2007 there was a proposed Planned Development District (PDD), which would encompass 28 single-family homes on 15,000 SF lots, 48 townhouses and 96 condominiums and for that project we had a Public Informational Meeting and that project wasn't pursued. In June of 2007, a revised plan was submitted showing a 47-lot conventional subdivision off of Princeton Drive with one-way in and one-way out similar to the way Princeton Drive is currently configured and that project received a number of negative comments from this Board and that project was not pursued at that level. In October of 2007, a Public Hearing was held on that 47-lot subdivision project and significant concerns were raised by the neighbors regarding the same things; stormwater, traffic, noise and only one-way in and one-way out. Like I said, that project wasn't pursued. We again seen a revised plan for this area in September 2012 when the applicant came in with the original 51-unit conventional subdivision for this area providing a second means of ingress and egress, which was not previously available at the 47-lot proposal and a Public Hearing was held on that subdivision plan. Again, at that Public Hearing issues of density, the question of less than 51-units was raised, noise and environment concerns given its proximity to the Northway, stormwater, drainage concerns, questions regarding existing wetlands and topography information, sidewalks and shoulders were suggested for the existing development and for the proposed development, water pressure issues were raised, questions of adequacy of sewer capacity in the area was raised, traffic concerns and like I said, it is the same issue anytime you're adding additional homes to an area traffic is an issue, a questions regarding schools were raised with the impact on the school districts, privacy issues were raised by some of the existing landowners on Princeton Drive, lights shining in homeowners windows and things of that nature, construction disruptions were raised by the neighbors and as a result of that, the developer went back and you guys did an excellent job putting together a grid showing questions, answers and expert opinions regarding the effects of all

of these presumed deficits that this project would create to the existing neighborhood. We had a Public Hearing again on the revised plan that you submitted including increased buffer areas for the Northway, no-cut restrictions on the properties, additional stormwater improvements, off-site improvements and a significant amount of modifications were made although the actual number of home sites were not reduced and that still remained at 51. The other thing that I want to mention is that the 51 homes are built on lots and more of the lots are larger than the 20,000 SF conventional subdivision requirements in the Town code. There are no lots less than 20,000 SF but I don't know how many of them are just around the 20,000 SF figure, but I don't think there are many. Mr. Dell stated there are approximately 3 or 4 and the average lot size is 0.6-acres or 26,000 SF. Mr. Ouimet stated so, I would have to say that from my standpoint I think you have all done an excellent job responding to the questions and concerns that were raised by the public and the concerns raised by this Board and I'd like to take a minute or two to ask our counsel to give us the legal landscape upon which we have to decide this question. Mrs. Murphy stated the following: Obviously, this Board is an independent Board full of independent members who are free to vote as they deem appropriate. From a legal standpoint, I do have to say though that once a subdivision meets the requirements as set forth in your local law and you have experts telling you that there is not an unmitigatable deleterious impact on the Town or the surrounding properties, legally you have a difficult time in defending any objections and that's not to say that you can't put some conditions on the preliminary approval based on your concerns regarding specific issues. However, the law is very clear with regards to when you have this in-depth of a review, including three separate engineering companies, it would be difficult from a legal standpoint to defend against any kind of lawsuit that's filed based on the denial of the project. Mr. Ouimet stated the following: Having said all of that, I have to say that I have not been a fan of this project since day one under any of the configurations that have been presented. I'm skeptical whether or not the stormwater can be managed, even though the experts all say that it can be. I'm skeptical about whether or not the existing road structure can handle additional cars and I know there is going to be great disruption to the neighborhood during construction and you can just not anticipate that. It's just the position that I've taken and I've been consistent with it since it was first brought here. I want to open this up to the Board and I want to deliberate this in public so everyone hears the thinking that goes behind our decision whenever we make it. Mr. Roberts stated the following: As I said before, if I lived in the Northwoods development, I'd be against this proposal and I have told Mr. Belmonte previously that I didn't like it and he knows it. That being said, I would feel more comfortable if this project had its own direct access and we all know that it doesn't. Again, that being said, I feel as though the applicant has met all the requirements of our Town ordinance. So, I don't see how I can possibly vote against this. I don't like it, but unfortunately sometimes sitting here you have to make decision that you don't really like. Mr. Nadeau stated the following: I feel pretty much the same way on this project as I had many concerns with it and the engineers did review this project extensively. I'd like to thank the public for giving all their input because without their help, I think we would have had a more difficult project that should this be voted on, but I feel that with the engineering review and as our counsel basically said that this would be difficult for us to hold up in court should we not vote for it. Mr. Berkowitz stated the following: I also agree with Mr. Nadeau and Mr. Roberts. I'm just wondering if there is one way to protect the public if something does happen that is unforeseen with the stormwater management system or with the road structure; such as bond and it can be enforceable if the road is destroyed during construction or if something happens with the stormwater management. Mrs. Murphy stated you could ask the applicant if he is willing to post a bond both for the stormwater management system and for the road itself and that number would be determined by the engineers as they go through the engineering process to determine the appropriate final details of the plan. Mr. Berkowitz stated the following: Also, I have

a question for Mr. Dell; when we were back there walking the site, we walked along the stream that parallels Manchester and there is a lot of debris back there. Is that going to be cleaned up because there are pallets and there are also trees that are blocking it? Mr. Dell stated the following: Whatever can be cleaned up, we would certainly be willing to cleanup areas within the wetland itself. We wouldn't be able to get machinery in there to clean it up obviously because you can't disturb the existing wetland areas. So, whatever is on Mr. Belmonte's property, I'm sure that he would be willing to cleanup and the future residents would want that cleaned up as well. Mr. Berkowitz stated also, none of the water that's going to be produced by this development will be going into that stream or into the surrounding development. Mr. Dell stated detained and treated stormwater from our stormwater basin will slowly discharge to that stream, yes. Mr. Berkowitz asked how slowly and what prevents it from flooding like it previously has? Mr. Dell stated an engineered outlet concrete structure that has very small orifices to control the individual storm events up to and including the 100-year storm event will be detained in that pond and we provided a drainage memo, which is outlined as drainage area one that describes the exact numbers that are coming off of there. Mr. Berkowitz asked are you willing to stand by that? Mr. Dell stated yes. Mr. Berkowitz stated okay. Mrs. Smith-Law stated the following: I'm coming kind of late to this party, so I don't have all the history, but since I joined this Board, I do have to commend you for listening to the public and I also want to commend the public for participating in this project. It's very emotional and I'm having a hard time understanding how this does benefit the existing homeowners because I just don't believe they see it that way because that's a hard one to swallow. I do have to say that you've done everything that you can short of scrapping the project, which I think would probably be the preference of a lot of people. I do really have some concerns about the creek and this is where my emotion plays a little bit. I have a property that has a creek that runs through it where I was assured by many engineering firms that we would never have flooding issue and it is part of the wetlands so, you can never get heavy equipment down into there to clean it up, but if the creek is not kept clean, it will flood and we did walk through there and the creek is a mess. So, that would be one thing that I would ask you guys to consider is taking the debris out of there and making potential residents aware of the fact that they have a responsibility to keep that clean. It's hard for me not to be emotional about that because what I feel about where I live has changed forever because I heard the same things that you're telling us tonight. So, that would just be my one concern if you would take that into consideration that what could happen to those properties along the back with that creek. Mr. Ruchlicki stated the following: I guess pretty much that everybody on the Board has commented on things that I would only repeat. Although, I would like to ask that some real diligent effort be taken as far as the stormwater management. I know that you spoke about increasing one of the culverts in the front and I talked with Mr. Bianchino tonight regarding that relative to downstream culverts from there and as long as you maintain that diligent effort as far as the stormwater is concerned, I think you would satisfy my concerns. Mr. Higgins stated the access road going out to Manchester, that's crossing over three different property owners property; do you have easements or did Mr. Belmonte purchase the property going out through those three people's property? Mr. Belmonte stated the following: It is our understanding many years ago that Mr. VanGuilder had done a subdivision of the parcels of land that you're referring to here on Manchester and in that approval that right-of-way exists. It reverts to a right-of-way when this parcel in the back gets developed and we have an agreement in place with Mr. McLagan providing that access to that right-of-way. Mr. Higgins stated he only owns one piece of it and according to the Town tax records, two other people own pieces of that property. Mrs. Murphy stated the following: If they don't have the access, then they can't develop as the plan sets forth so, they can't go forward. So, they have to have the access. Mr. Higgins stated the following: Okay. Regarding the stream; we did walk it and you're going to have to get on to some

private property in order to cleanup that stream. I don't know whether you've talked to Mr. McLagan because I believe he owns the majority of the property on both sides of the road at that point. Mr. Belmonte stated it owns it all or a majority. Mr. Higgins stated the following: I think you might want to approach Mr. McLagan and just see if you can get an approval to go in to just cleanout some of the trees that have fallen down and the pallets that are in there because obviously it's going to cause a problem sooner or later. I know you met with the Town regarding bringing some drainage from Manchester down either into the stream or into your stormwater depending on the elevations. Would that be encompassed in the roadway itself or under the roadway? Mr. Dell stated to every extent possible, yes it will be incorporated into the road drainage if possible and if not, we would route it on the outside of the road and down into the stream. Mr. Higgins stated so; would that be within the easement? Mr. Dell stated yes. Mr. Higgins stated the following: I know we've discussed it before and we're probably never going to agree on it, but I still don't feel that your stormwater area #1 is large enough and it's shoehorned in between your lots #8, #9 and #10 and your archeological areas, I guess we'll just agree to disagree on that one, but I've walked it and I'm just not convinced that you can fit it in there and I'm just not comfortable with it. I do agree with Mr. Berkowitz as I think Mr. Bianchino should take a look at an amount for bonds for both the road in case the roads are damaged from construction and also from the stormwater to assure the fact that the stormwater design does work. Mr. Ouimet stated the following: Before I call for a vote on this project, I want to join with my fellow Board members to thank the public for all of their input on all of the various proposal that were brought before us regarding this particular piece of property. I would also like to thank the developer and the developer's consultants for all the hard work that they did in marshalling the comments, marshalling answers and getting the right experts to look at the issues that were raised by the Board. I'm going to call for a vote, but I would like to discuss with the Board first whether or not if this project is approved by us, should we require bonding for stormwater because I'm not 100% sure and I agree with Mr. Higgins 100%, but I'm not 100% sure that the engineering solution for stormwater will work on the final buildout. I hope it does and if it does that's great as it's exactly as advertised, but if it doesn't I think we need some kind of safety net here. In addition, I think that Mr. Berkowitz made a valid point regarding destruction of the existing infrastructure during constructions and that's nobody's fault, it just happens. There is a lot of heavy equipment, a lot of heavy loaded cement mixers and vehicles of that nature. I know Mr. Belmonte has been involved in building subdivisions around existing neighborhoods before and I think that we again need a safety net there in the event that there is unplanned for destruction of existing road structures. Mr. Belmonte stated the following: As we're all familiar with the development process, we will be bonding the cost of the roads and all of the infrastructure associated with this project upfront before the construction starts. So, there are bonds in place and those bonds are specific to the improvements that we're doing, but we have to come back to this Board to ask for permission to reduce those bonds. Bonds are not easy things to accomplish, especially in today's economy. I'm not asking to be not responsible for damage that we do as we will always take accountability for any damage that we or any of our trade partners do to any of the existing roadways or any of the existing improvements or even non-improvements. If we damage it, we're accountable for it. I would much prefer if we could make the conditions of the reductions of the bonds extend to satisfactory proof that we didn't damage roadways. Because adding bonds on top of bonds gets very complicated and it impairs the financial strength of a company in having to add all those bonds or letters of credits as we do to do them. Mrs. Murphy stated the following: What he is saying is that part of our road dedication and stormwater dedication process requires him to bond out, but I think you were talking about an existing road and not infrastructure that you're adding. So, you're not required to bond that. Mr. Belmonte stated the following: I understand that, but if we damage

that road during the development of the roads that we're adding here; what I'm saying is we can potentially extend the leverage of reducing the bond for the new improvements based on having to repair any damage that we had done on the existing improvements instead of inflating the amount of the bond up front. Mrs. Murphy stated the following: I'm going to use completely made up figures; so, what you're saying is if you're bonding \$100,000 for the infrastructure that you are doing, you would be willing to allow us to have language in the letter of credit that allows us to call that to fix anything that is done on the existing road as opposed to having a letter of credit for \$150,000. So, instead of adding to the amount, adding to what it covers. Mr. Belmonte stated correct. Mr. Harris stated the following: If he builds out roads at a point that he's 50% built out on the lots and he wants to get his letter of credit released because he's built the infrastructure with a maintenance bond or letter of credit has been shown to cover, we need to know as a Town how long then are we going to extend it to cover while construction vehicles still come through those other road for the remaining homes. Mr. Ouimet stated with all due respect, I understand, we're not here to help you, we're here to help the Town and we're here to help these people who may suffer damage as a result of the construction. How do you propose we do it if we don't do it with a bond? Mr. Belmonte stated the following: I'm not asking to not do it with a bond. What I'm asking is; let's take an example that this road system is probably worth a \$1,000,000 to \$1,500,000. So, that bond is going to be in place for a magnitude much greater. Mr. Ouimet stated but it is for those roads and how do we draw against it for other roads that might have been damaged incidental to putting in those roads. Mr. Roberts asked can't you put it in the wording? Mrs. Murphy stated if the applicant agrees, we can put it in the wording of the letter of credit on what it covers. Mr. Belmonte stated the following: I think we should take a shot at the wording because I think we're all trying to agree to something that is relatively nebulous at this point in time and it has to be reasonable and practical. I understand what the responsibility is that we are looking and trying to anchor some financial amount that in the event that we damage something that there is a sufficient amount there to repair it and I don't have an objection to that. Mr. Higgins asked how about on the stormwater? Mr. Belmonte stated I don't have an answer to that and what we're going to do is to do all practical steps in trying to engineer this. It's going to perform, we have a maintenance bond in place if it doesn't perform, we have to go back and fix it. Again, I think we're trying to agree to something that is relatively nebulous. I think we should sit down and define it. Mrs. Murphy stated the following: Again, there is a maintenance bond that will be posted for the stormwater management. The nebulous part that we're talking about is a time period, but the time period would be determined by our engineer that it has been cleared and it's functioning properly. The same thing with the roads; the way the road dedication process works today is that they have to be cleared by the Highway Department as they do walk-throughs and the engineers have to approve them before they release or reduce the bond amount. I'm hearing you say that what you may be asking for is to include the existing roads as in the language of the bond so that it can be called to fix damage to the existing roads. So, that's a pretty small change in the process. Mr. Ouimet asked so, are you confident that you could do that with working out the language? Mrs. Murphy stated the letter of credit would just include that one section of road. Mr. Higgins asked and the stormwater retention? Mrs. Murphy stated it already includes all of that. Mr. Ouimet stated it has to include more than one section of road because you have to access the site and you have to come over several roads. Mr. Belmonte stated well, there's what my concern is; now we're talking about taking Manchester and Princeton. Mrs. Murphy stated no, we had just talked about Manchester. Mr. Belmonte stated the next thing we know is that we all access ways from Woodin Road into the development being covered. Mr. Higgins asked are you only going to use one way in? Mr. Belmonte stated we can certainly commit ourselves to limiting all truck traffic to one way in. Mr. Ouimet stated yes, but you can commit yourself to limiting all your truck traffic to one way;

what about your subcontractors? Mr. Belmonte stated we can also control that and we can dictate that all construction traffic come down one single road if that's the Town's desire. Mr. Ouimet stated the following: Well, I don't know as if the Town desires that all construction traffic go down one road or two roads or three roads. I think it is our desire that the Town be protected if the construction traffic damages the roads they come down and I don't care what roads they come down. Mr. Belmonte stated the following: The challenge there is; how are we going to quantify what the amount of the bond is going to be. Is CHA going to make a recommendation? I'm only putting words in people's mouths that all those roads if travelled by one of the construction vehicles if damaged in any way, needs to be rebuilt? We could be talking about infrastructure bond that well exceeds the bonding of the roads that we're constructing and I don't believe that is reasonable. Mr. Bianchino stated the following: I'm going to suggest that if this is a condition the Board wants and this is an action that the Board is going take, that they make it conditioned and then we can work out between counsel, the applicant and Planning a formal document that covers what I think the Board is looking for and get that done between preliminary and final approval because again, the applicant has to come back after going through the review process with the agencies so we can do that. Mrs. Murphy stated the following: So the applicant is aware of what Mr. Bianchino said; that between preliminary should the Board decide to go forward and final, we would reach an agreement with regards to the appropriate language to make sure that the Town is safeguarded with regards to these issues. It would be a condition of the preliminary and you just wouldn't move to final if we can't reach an agreement with regards to that. Mr. Nadeau asked are we talking about only the road or are we talking about the drainage as well? Mrs. Murphy stated the following: It's both. The drainage is done just as a matter of process. Ms. Shadlock stated the following: We feel in the interest of not having every road be part of this in having a very very large responsibility for the project which is possibly unattainable to sustain that we should properly limit the Belmonte, all subcontractors, material man and everyone coming in through a single route and it would simplify and limit the scope of what the damage is because it would be limited to one road. We could check with Town Engineer, look at the existing conditions of roads and work through to see if we have issues now. We just need to document those issues and we work together to come up with a reasonable solution here because otherwise it could be such an enormous amount of money that it is not worth going forward with the project. We want to work with the Town and we think we can. I just mentioned one thing to Mr. Belmonte and he hasn't said yes, but one thing that I have done in other municipalities is if there is ever a question of damage of some description, I have had a developer grant a mortgage on one of the subdivided lots to held by the Town as additional security for the fact that everything will be taken care of, everything will be work through and it's a win-win because the Town has a perfected first mortgage lien on a nice piece of real estate, which has significant value and it also limits the exposure interest on a letter of credit or bond that the developer would be required to sustain. We would just like to work with the Town to work through this and I believe I'm very very confident that we can reach a reasonable resolution here with Mr. Bianchino and everybody else. Mr. Berkowitz stated the following: Since noise was such a hot topic in this project, what time does construction begin and how late does it last. Also, is there a way that you can limit how early it starts? Mr. Belmonte stated the following: Construction should not be expected to start during the week any earlier than 7:00am and on weekends, typically Saturday is considered a work day and Sunday is not. So, any activity that is happening on a Sunday, if the Town does not have specific guideline in place, we'll certainly respect anything that makes sense. It would be my preference that they not even be out there on Sunday, but we all know that sometimes schedules need to be made up. Mr. Berkowitz asked how about with heavy equipment; can that be brought on site at a later time as far as when you're bring the bulldozers in for clearing tree? Mr. Belmonte asked do you mean

loading and offloading of equipment? Mr. Berkowitz stated yes. Mr. Belmonte stated the following: That should be done during standard work hours and there shouldn't be excavators unloading at 5:00am in the morning if that is your concern. It should be done during the same work hours as all of the rest of the activities. Mr. Polak stated the following: Regarding the road; I'm sure that Mr. Pingelski from the Town's Highway Department will keep an eye on those roads that are currently travelled now with the condition they are in now and if there are repairs to be made. I don't believe the Town Board or the Highway Department wants to get into any real estate issues where we're going to own houses that make the roads better, but one thing is to make sure that any damages are done are repaired or completed by the developer and it is not going to be at the Town's cost. The Town is not going to go in and repair roads that are damaged for a project and I think Mr. Belmonte is aware of that and I know that Mr. Pingelski has met with Mr. Belmonte on the drainage and what they need to do to correct some of the issues that the Town has and I'm sure that they will work with him in the future. Certainly, we are not going to pay for any damages during construction or after construction that may occur at the taxpayer's cost.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to grant Preliminary Subdivision approval for the Princeton Heights Residential Subdivision with the following condition: (1) The applicant, Town and CHA establish terms of an appropriate bond/letter of credit to address potential damages to existing road(s) in the adjacent neighborhood(s) resulting from project construction-related traffic. Mr. Nadeau seconded. Mr. Higgins voted no and stated for the reasons that I've said all along and I don't feel that the stormwater on those lots is sufficient. Vote: 6-Aye; 1-Nay. Motion carried.

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

Mr. John Gay from Northeast Consultants stated the following: We were here two weeks ago and what we were requesting was this Board's recommendation to the Town Board regarding the addition of two 4-unit apartment buildings and associated garages on the Oak Brook Commons site. My understanding at that meeting it was requested by the Planning Board that a committee be sent to the site to observe what was happening there in the past and what kind of condition the site was in. So, I think we're limited to two things that were brought up by Mr. Bianchino in his engineering comment letter and one was that we provide an Environmental Assessment Form, which we have prepared and will submit to Mr. Bianchino tonight and we also refined as much as possible the correct acreage for useable land and also how that relates to the 144-units that are on the site currently. The calculations as we see them, when you take the 144-units and divide it by 22.97 useable acres, there is 31.02-acres on the site within Halfmoon and you get a useable density of 6.27-units per acre. If you add the 8-units that we're proposing, it is 152-units and it increases it to 6.62-units per acre. Before we leave tonight we will give Mr. Bianchino our work up on it and if he would like our CAD files, he is welcome to them. Mr. Higgins stated the following: I was part of the committee that went out to the site along with Mrs. Sautter and Mr. Ruchlicki. We spent quite a bit of time with Mr. Hoffman going through the different facilities looking it over and the present office is going to be relocated into the Town of Clifton Park with the parking only to be in the Town of Halfmoon and the present office site proposal is to put a 4-unit apartment there, which the committee all saw that that was pretty much an even swap and that wasn't a real concern because that area is already being used, it's developed and they are taking the office out and putting the apartments in there seemed very un-consequential. The other location is presently heavily wooded and Mr. Hoffman said that he was going to try and keep as much as the wooded area as possible

during construction and supplement with some evergreen plantings once the building is done. We had discussed the buildable acres versus the non-buildable and the density and that was one of the questions we had at the committee meeting regarding what the density was. You said that the density with the eight additional units on the buildable area within the Town of Halfmoon is 6.8? Mr. Gay stated 6.62. Mr. Higgins stated that was the main question that we had at the time which was the greenspace and the number of units per buildable. Mr. Ruchlicki stated I think all of the technical stuff was covered pretty well and there is hardly any impact that would occur the way everything lays out right now and I don't have any problem with it at all. Mr. Ouimet stated this is an amendment to an existing Planned Development District (PDD) so, I believe that we need to schedule a Public Informational Meeting.

Mr. Higgins made a motion to schedule a Public Informational Meeting for the March 10, 2014 Planning Board meeting. Mr. Berkowitz seconded. All-Aye. Motion carried.

11.143 OB Linden Village PDD, Dunsbach Road – Residential PDD

Mrs. Smith-Law and Mr. Roberts recused themselves from this item. Mrs. Sautter and Mr. Partlow sat in for Mrs. Smith-Law and Mr. Roberts. Mr. Donald Zee, Esq. stated the following: I am the attorney for the applicant. We've been before the Board numerous times and the last time we were here a Public Informational Meeting was held in October. At that point in time we had presented a proposed Planned Development District (PDD) plan which reduced a number of housing units from 468 to 302 housing units. The last plan covered 83 plus or minus acres. During the Public comment period there were approximately 30 residents who came and spoke and most of them, if not all of them spoke with grave concerns with regard to the 302 housing units that we were proposing on the 83-acres as did the members of this Board. The members of the Board and the public basically raised a lot of concerns including the fact that the project was proposing too many apartments and they had concerns about the traffic that would be generated by the 302 housing units, they were concerned about a strain on the school system, a strain on the sanitary sewer system, drainage concerns, the lack of a recreational area within the proposed PDD as well as a feeling that there was an inadequate public benefit. My clients went back to the drawing board and also looked at the Town Comprehensive Plan again to look at some of the Town's thoughts with regard to housing in the Town of Halfmoon and in the Town of Halfmoon's Comprehensive Plan they talk about the Town of Halfmoon envisioning itself as a life-long community, which we take to mean that they're looking for a community where you would have people growing up here and living throughout their life in this community where all age groups were going to be welcomed and that goes to the next point in your Comprehensive Plan where you're looking for a diversity of housing types; meaning that you have housing for all age groups within the Town. Also, they supplemented this by saying that housing diversity is key to attracting young singles, young families, retirees and senior citizens into the community. So, because of that, as I said, we went back to the drawing board and now we are proposing to reduce the size of the PDD area to just over 38-acres. We have eliminated all the apartments, we eliminating the scope of the PDD to just the residential zoned land that is not currently owned by the Hoffman's. So, none of the Hoffman property is included in this proposed PDD. What we are proposing to do is to create through the PDD a conservation subdivision. I say conservation subdivision, which is used in a lot of communities, but I don't believe that the Town of Halfmoon specifically has that type of ordinance and what we are talking about is homes on smaller lots, approximately 10,000 SF for the minimum size. In the project we would propose to have approximately 55% openspace and we have shown pathways in there as well as a recreational area for the community trying to address the concerns. So, we've eliminated the apartments by obviously reducing the number of housing

units from 302 to 48 and we believe we're reducing the potential traffic impacts substantially. We are proposing a housing type. Mr. Zee showed the Board what the housing units would look like and stated these are the homes that Marini Homes have been building and we would propose this type of home in the subdivision. Mr. Marini has a subdivision like this in the Town of Colonie called Lake Ridge and these homes are on smaller lots and the majority of the people moving into these homes are seniors, empty nesters as well as a few young couples and young single individuals. They would be smaller homes ranging in size from 1,700 SF to 2,300 SF. I want to point out the fact that they have very little impact to a positive impact in the Town of Colonie because out of the 55 homes that he sold in this subdivision known as Lake Ridge, there are only two school aged children. It is not an aged restricted community, but because of the housing type itself, it lends itself to seniors, retirees as well as the young couple or young single individual to afford a starter home. With regard to the project with only two school aged children and I'm not saying that that's the number that is going to occur in the 48 homes, but we think the ratios are going to be somewhat comparable and maybe a little bit more, but still the numbers are substantially lower than what the conventional single-family homes on the half-acre or more lots generate. In this project we show a play area, which was a concern and we believe that with the reduced roadway system, reduced impervious surface that we would compare to the previous PDD that we had shown have a less impact from stormwater management standpoint. I know that you had raised concerns with the regard to the public benefit that we had previously proposed. I know that we had submitted a report dated January 27, 2014 which outlined the public benefit. The totality that we estimate the public benefit to be is \$125,000 and there are three areas that we're proposing the public benefit to be; (1) creating a westbound turning lane on Dunsbach Road, (2) improve the existing drainage system and (3) to replace a culvert along the roadway system. Mr. Ivan Zdrahal, who is the engineer for the project, met with your Highway Superintendent to look at these proposed improvements and he did not have any objections to them and he felt that they were appropriate for a project of this nature. In addition, Mr. Zdrahal did speak to the fire department with regard to the roadway system itself as well as we propose an easement that we have over a private owned road known as Hatter Road. So, we believe that we have a secondary means of ingress and egress into the project and we have the roadway. With a project of this nature, we think that we would not have that much of impact to the neighborhood. We show a lot of continuous greenspace, we show some areas for future development for the adjoining property owner, which I think is appropriate for access management. Mr. Nadeau asked what are the numbers of homes to go with a conventional subdivision? Mr. Zee stated the following: We are showing what the conventional homes would be with the layout and there are 41 single-family homes. Just to note; with the 41 single-family homes we show in excess of 3,000 linear feet of road. With regard to our proposal I believe we have somewhere in the neighborhood of just over 2,000 FT or closer to 2,300 FT of road so, even though we have 48-lots, we are proposing less roadway, which in the long run would be a cost savings for the Town for highway maintenance. Mr. Nadeau asked what are the lot sizes for those 41 homes on the conventional? Mr. Zee stated they're conventional and they are 20,000 SF. Mr. Nadeau asked are all the homes going to be on 20,000 SF lots? Mr. Zee stated yes. Mr. Nadeau asked is that versus 10,000 SF, correct? Mr. Zee stated that is correct and 10,000 SF is minimum. Mr. Higgins asked are the roads that you are proposing going to be Town roads? Mr. Zee stated yes. Mr. Higgins stated how about the little stub road that goes over into the shelter area that goes off the cul-de-sac. Mr. Zee stated that is just a private pedestrian access that would be owned an Homeowner's Association (HOA) and it would also be maintained by them and that's just trails for the benefit of the residents. Mr. Higgins stated so; the Town road actually ends at the cul-de-sac. Mr. Zee stated that is correct. Mr. Higgins asked is the HOA going to own the rest of this and they're going to maintain the

emergency access and the trail? Mr. Zee stated that is correct and most likely we would have the pedestrian access snowplowed during the winter, but we would obviously be responsible maintaining it for emergency and ingress and egress. Mr. Higgins stated regarding the shelter; is that going to be a little picnic shelter or something up there. Mr. Zee stated yes. Mr. Higgins stated I don't know what the regulations are about handicapped access up to that shelter or that area. Mr. Berkowitz asked isn't that already a parking area for residents to park there? Mr. Zee stated that is a walking trail. Mr. Berkowitz asked is this for the Town or just the residents? Mr. Zee stated it would just be for the development. Mr. Ouimet stated are you showing a vacant space between Lot #24 and #23. Mr. Zee stated yes. Mr. Ouimet asked why, is that undevelopable? Mr. Zdrahal stated that is just an openspace buffer. Mr. Ouimet asked is it the contours that will keep you from building on those lots? Mr. Zdrahal stated what we are planning in the rear of the lots will be a strip of undisturbed vegetation as it is an upland area so it could be subdivided and also we are proposing a permanent buffer along these two properties. So, the backyard of the lots would remain natural. Mr. Ouimet stated okay, let me understand this; between Lot #24 and #23 and between Lot #31, #30 and #29. Mr. Zdrahal stated between Lot #24 and #23 that is a wetland area. Mr. Ouimet stated and between Lot #41 and #40 as you come down the road. Mr. Zdrahal stated again, that is to make a separation. Mr. Ouimet stated so; would all of that property be proposed to be owned by the HOA, correct? Mr. Zdrahal stated a lot of that green area is preserved openspace. Mr. Ouimet asked would it be owned by the HOA? Mr. Zdrahal stated yes. Mr. Berkowitz asked would there be restrictions on those properties not to connect to the surrounding tracks of land? Mr. Zdrahal stated yes. Mr. Berkowitz stated so; that area would not be used as a road to get to the area west of there. Mr. Zdrahal stated right. Mr. Ouimet stated could you tell us about the stormwater area that is right alongside an existing lot and I understand that lot to be lower than the property that you're proposing to develop. Mr. Zdrahal stated the main drainage corridor goes from this property and kind of crosses land, but continues again back on the project side to the existing culvert on Dunsbach Road. Mr. Ouimet asked is that adjacent to this other piece of property? Mr. Zdrahal stated the culvert is extending on the project side. Mr. Ouimet stated the following: In my mind I've travelled Dunsbach Road a lot so; I'm familiar with the turn that is in the road, I'm familiar with where your project is proposed to go, I'm familiar with this common driveway that services the Lands of Craver and Lands of Hughes and I'm also familiar with the Proctor property and it's lower than the road. The road is actually higher and those properties sit down and your's is higher than that and I hope you are not going to dump stormwater down into their backyard. Mr. Zdrahal stated I met with the Proctor's and asked them if there was any flooding in one particular area and they said that they never saw any flooding. So, basically our stormwater management will be controlled in the area, which will be re-graded. Mr. Ouimet stated I'm not saying that there is anything wrong with it and I'm just saying that it is a little confusing to me because I know the area. Mr. Zdrahal stated one of the public benefits is to make improvements to give us an opportunity to control it and to protect downstream. Mr. Ouimet asked have you done sight studies for the proposed driveway? Mr. Ken Wersted from Creighton Manning stated are you speaking about sight distance? Mr. Ouimet stated yes. Mr. Wersted stated yes, we looked at the sight distance there and you have good sight lines looking north towards Woodin Road and when you look south you obviously have the curve there, which limits the sight distance. Mr. Ouimet stated is there a hill there? Mr. Wersted stated I think the hill is a little further around the curve. Mr. Ouimet stated so; you'd come down the hill and then around a curve. Mr. Wersted stated yes, but the limitation looking to the south is the curve and the wooded area up against it so; there is going to be some minor clearing along the roadside to be able to give you the needed sight distance that you'd need to pull out of the project driveway. Mr. Ouimet stated the following: The last time you were before the Board for a Public Hearing, the

property owners on parcels "B" and "A" had issues with your proposal. Have you addressed those at all? Mr. Zdrahal stated the following: There were two issues to the two existing properties; one is the Wright property and I met with the son of Mrs. Wright and they would like to subdivide their property into two lots because he would like to build a house there so he can live next to his mother. So, we are agreeing to give them sufficient land that is 60 FT wide strip to create two keyhole lots to create Lot "A" and "B" and he is agreeable to that. We would also provide hook up for water and sewer for each lot. We are still in negotiations with the Craver's because their driveway is on the project side. In the yellow area; our latest proposal is to deed that land to Craver and to relocate a little bit of the driveway so it ends up opposite the existing Town road and again, that is still being negotiated. Mr. Higgins stated the following: I'm a little familiar with the site and I'm almost thinking along the same lines as Mr. Ouimet as far as the stormwater retention at the lower end. Isn't there some way to move that up a little bit so that it's not right in the Proctor's backyard and maybe reduce the potential for flooding them? Mr. Zdrahal stated the following: Truthfully I don't see the potential for flooding on the Proctor property because we have a very substantial land that we can develop for stormwater management beyond the Proctor property on this side of the project site. This site has very good soil conditions and with the regulations, which involve stormwater management especially with the New York State Department of Environmental Conservation (NYSDEC), green infrastructure and so on. So, I'm pretty confident that when this goes into a final design that we will be able to address in detail the stormwater management system and conditions, which we will be proposing. Mr. Higgins stated the following: The two maps that we have; one show stormwater management on both sides and the other one only shows it on one side and I was looking at the one that only shows it on the one side. Even with it on both sides; what would you propose, the stormwater management area on the right would then flow into the stormwater on the left and then go out? Mr. Zdrahal state right. Mr. Nadeau stated the following: What is your reasoning for creating a PDD verses the conventional subdivision because we're talking about seven more homes? Typically the Chairman is looking for public benefits, but some of the benefits that you mentioned would really help your project function a little better. Mr. Zdrahal stated for those seven lots, we are proposing a public benefit. Mr. Nadeau stated but we're going from 20,000 SF lots to 10,000 SF lots. Mr. Zdrahal stated the following: As a regular subdivision its 41-lots and potentially we could create a land conservation subdivision with 49-lots. That is certainly better for the land and planning wise it's a better way to go plus it is the type of product which Marini Builder's feel it is appropriate for this site because we also see at it as a commercial area to the south and a commercial area to the west and with this PDD we would be creating a very substantial buffer from those commercial uses, which would be good for the residents and preventing any issues in the future between the residents that are living there with commercial uses adjacent to the subdivision. Mr. Nadeau stated I guess I'm the only one that has that concern. Mrs. Sautter stated the following: I have seen cluster subdivision and I've never seen it look like this. I've seen it kind of spaced out with green in between and that's the idea. I get what you're trying to do and that they're smaller and less land use, but am I just seeing the one egress there, but maybe I missed it. Is that just the emergency exit through that side, correct? Mr. Zdrahal stated the following: Access is from Dunsbach Road and the emergency access would be here and we are proposing to extend the right-of-way to the adjacent property to the north. So, if this property is under consideration for development, this Town road could be extended. Mrs. Sautter stated is that the Hughes property? Mr. Zdrahal stated yes, Hughes. Mrs. Sautter stated I guess I have a problem with just one entrance and exit and like I said; I get the idea that you're trying to save, but I'm just now sure. Mr. Zdrahal stated the following: As far as a cluster subdivision, the ideal cluster subdivision is to create a footprint on the smaller acreage of the property and the desire is to create un-fragmented open space. So, this is actually almost a

textbook type cluster subdivision when we have un-fragmented open space. Mrs. Sautter stated no, I agree with that and that's why I wanted to see the comparison. Mr. Zdrahal stated the following: With the conventional subdivision we know where all the wetlands area and so on. So, we generally have the same road going through this way and then the sensitive area would be restricted by the restriction. The total area which would be restricted on conventional is 37% and on the cluster it is 55%, but it's one piece of land and it's not fragmented by ownership of different properties so it's better controlled. Mrs. Sautter stated and I agree with that and I appreciate the idea, but it still looks a little too dense for me and I know where you're trying to go with this, but with one entrance and exit I really understand it and I appreciate it because it does look much better, but it still appears to me that it is maybe a little too dense. Mr. Ouimet stated the subdivision that currently exists off of Watervliet-Shaker Road in Latham; is that a mirror image of what is being proposed for this? Mr. Zee stated those lots are a little bit smaller. Mr. Ouimet asked is there one way in and one way out there or are there two? Mr. Zee stated there is one way in and one way out and there is an emergency access. Mr. Ouimet asked how many units are there? Mr. Robert Marini, the applicant, stated there are 89-units. Mr. Ouimet asked so; if we wanted to see what this would conceivably look like; could we go to that site. Mr. Marini stated I would be more than happy to take a fieldtrip with you. Mr. Berkowitz asked what is the total acreage there? Mr. Marini stated the following: I think there is around 100-acres and again, on that project we had a lot of natural resources that we wanted to preserve with a lot of large standing oak trees, there are ravines, there are natural areas and there are wetlands. Like Mr. Zdrahal said; we never planned subdivisions where we end up with spaces between the lots and always on the back of the lots and our goal is to not really have the back of the lots abut one another. Even though in Lake Ridge we do have some of those lots, but we created a buffer between the lots that homeowners didn't own because when you put that property in homeowners hands, you lose control over what happens to it and they develop every available inch of that property, they have wood piles and sheds, toy storage and everything else and it kind of ruins the character of the land. So, we try and preserve in large tracts the natural characteristics and only build what we think the homeowner needs. So, even on the lots in Lake Ridge, even though they are 135 FT deep by 65 FT-70 FT wide, there is still room for pools, backyard dining areas, patios and lawns. Mr. Ouimet asked if you wanted to make additions to your property, you would have to get approval from the HOA, do you not? Mr. Marini stated the following: No, because there is enough space between the houses to get back there, but on these housing that I'm building do people want to do outdoor patios and things like that, yes and there is certainly enough room to get down through the side yards. In general there are cross easements across the properties, but the way we plan them they are really not needed because there is enough room between the houses and on each individual lot there is enough room. Mr. Ouimet stated I assume that you have deed restrictions, HOA rules and regulations and while you're building the project out, you are the HOA, correct? Mr. Marini stated the following: I am, yes and we have very very comprehensive deeds and restrictions. An example in Town that is like Lake Ridge is Brookfield Place that we are currently building except that we think that for the product that we're building the lots in Brookfield Place are a little bit too wide because when you try and get the scale of these house right on the lots, if the lots get too wide, then the houses look too narrow and so that's why we're looking for smaller width lots as opposed to conventional lots because everything needs to fit to scale with the house, the landscaping, the road scape and everything else. Mr. Ouimet stated the following: There was a considerable amount of comment from the public at the last Linden Village presentation. We're going to go down the road at some point in time again because you came in with another PDD and we're going to have to have another Public Informational Meeting on this proposal. I think you need to be prepared to address those comments and I don't know if you were here during the Princeton

Heights Subdivision discussions, but they spent a lot of time and a lot of effort marshalling the comments and answering the comments that were raised by the public. So, just to be prepared in the future as we move down this road, you are going to have to deal with that. Mr. Zee stated understood.

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

Mr. Higgins made a motion to adjourn the February 24, 2014 Planning Board Meeting at 9:43pm. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary