

**MINUTES MEETING  
Town of Halfmoon Planning Board  
July 25, 2016**

Those present at the July 25, 2016 Planning Board meeting were:

Planning Board Members: Don Roberts – Vice Chairman  
John Ouimet-absent  
Tom Ruchlicki  
John Higgins  
Marcel Nadeau-absent  
Tom Koval  
Richard Berkowitz  
Cory Custer

Planning Board Alternates: Margaret Sautter  
Mike Ziobrowski

Director of Planning: Richard Harris  
Planner: Paul Marlow

Town Attorney: Lyn Murphy  
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski  
Jeremy Connors

*Vice Chairman Don Roberts opened the Planning Board Meeting at 7:00 pm*

*Rich Berkowitz made a motion to approve the Minutes from the June 27, 2016 meeting. John Higgins seconded. Motion Approved.*

**Public Hearing:**

**16.094      Jon and Diane Riedel, 55 Plank Road - Special Use Permit**

**Tom Whipple:** Hi I'm Tom Whipple, I'm the contractor for Jon and Diane Riedel and we're seeking special use permit for an addition and garage to 55 Plank Road.

**Don Roberts:** Ok thank you, Ok id like to open a public hearing for public comment. Would anyone like to speak? Seeing no one wants to speak I'll close the public hearing, can I motion the board.

**John Higgins:** It's going to be strictly residential and personal use on the garage?

**Tom Whipple:** Yes, just residential, single family and personal use on the garage.

**John Higgins:** No business operating out of the site or anything like that?

**Tom Whipple:** No business out of the garage no.

**John Higgins:** ok thank you.

*John Higgins made a negative declaration pursuant to SEQR. Rich Berkowitz seconded. Motion Carried*

*John Higgins made a motion to approve Jon and Diane Riedels Special Use Permit. Rich Berkowitz seconded. Motion Carried.*

**Don Roberts:** Ok, you're all set.

**Tom Whipple:** Thank you

**Don Roberts:** Thank you.

**New Business:**

**16.089      Justin's Automotive Repair, 930 Hudson River Road - Change of Use/ Tenant**

**Justin Barnell:** How's it going my name is Justin Barnell, I'm trying to open up an auto repair shop at 932 Hudson River Road. I'm not 100 percent sure of all I have to go through to get it all, but I know I'm supposed to be here for a permit.

**Don Roberts:** Just tell us a little bit about what you are going to be doing, and how many employees.

**Justin Barnell:** Just me at first I plan at being a small business at first and eventually get more employees and everything down the line. I'm just trying to figure out like I said what to do. I'm going to do automotive repair, working on cars and trucks and eventually doing automotive inspections.

**Don Roberts:** Hours of operation?

**Justin Barnell:** 9-5, Monday through Friday.

**Don Roberts:** Ok any questions?

**John Higgins:** You understand you have to get a New York State vehicle repair license?

**Justin Barnell:** Yes I do.

**John Higgins:** Are you going to be selling used cars?

**Justin Barnell:** No

**John Higgins:** So you are not going to request a motor vehicle dealer's license?

**Justin Barnell:** No I won't.

**John Higgins:** Ok so it's just going to be the inspections, and automotive repair?

**Justin Barnell:** Yes.

**John Higgins:** Ok you mentioned that you might have some employees down the road, do you have a maximum number of employees that you would utilize at that facility?

**Justin Barnell:** 2 just me and one other, down the road.

**John Higgins:** Ok

**Don Roberts:** Do you plan on having a sign in the future?

**Justin Barnell:** Yes, once I figure out what I have to do with the Dept. of Motor Vehicles for their end.

**Don Roberts:** Then you will have to come back for that, you know that?

**Justin Barnell:** Yes, yes.

**Don Roberts:** Anyone else?

*Rich Berkowitz made a motion to approve Justin's Automotive Repairs Change of Use/ Tenant application. Tom Ruchlicki seconded. Motion Carried.*

**Don Roberts:** Thank you.

**Justin Barnell:** Thank you.

#### **16.113      Financial Engines, 1581 Route 9 - Sign**

**Terri Meisner:** My name is Terri Meisner from Saxton Sign Corporation on behalf of Financial Engines. They would like out on the road a 13 1/2 " x 91" 2 of them, one for each side, non-illuminated sign to go over the top of what's there right now. It will be at the bottom of the pylon and on the building they would like to replace the sign thats there and put a set of channel letters, the logo will be 30" and the letters will be at 9" over all it will be 30" x 97 1/2 " , and that will be illuminated.

**Don Roberts:** Ok thank you, it meets town code, any questions?

*John Higgins made a motion to approve Financial Engines Sign application. Rich Berkowitz seconded. Motion Carried.*

#### **Old Business:**

#### **14.129              Betts Farm PDD, Betts Lane - PDD Recommendation**

**Gavin Villaume:** Good evening everyone Gavin Villaume with Environmental Design representing Able Builders both Ed and Chris are here this evening to help answer any questions that you might have on the project. I guess I'll just quickly start off with a quick history where things are and what we've been doing over the last year since we've been in front of the board. As you know the project itself was first initiated probably back in 2011, we've always pretty much settled on the fact this would be strictly a residential planned development district. You've seen various versions over the years, usually having the same layout that you have in front of you here this evening as far as the road access and the road layout go. I will just quickly point out a few spots. Obviously we're right, main entrance would be off Betts Lane which comes up in through here and services and we would have a round about similar to

the one that was built for Glenn Meadows, which is still under construction. We also would have a secondary access off of Hayner Drive, or Hayner Road over at this location that would give us our secondary access. Because of the terrain and the environmental sensitivity of the McDonald creek there was no interest in trying to connect to any of the subdivisions over on the east of the property, but we did leave a sub street just to the north I think this is lands of Pingelski up in here, so in the future if that property ever gets developed certainly we would provide access to get to that. Again the number of units has ranged between 206 or 222 units depending on where we are with our public benefit. We feel we have finally come up with a solution for the public benefit which is more traffic related, thats really something thats being worked out now with Chris and the town board attorney, if you have questions on that he can speak briefly on that I think. But essentially this lower section was always under consideration for a school or perhaps public athletic fields. Those two options are no longer being offered. Then towns really interested in improving traffic in the surrounding area so thats where out focus of our public benefit will be. We've completed all of the SEQR documents related to the project, we've prepared an additional part 3, with a lot of information on steep slopes, hydrology, wetlands, storm water management. We've completed all our archeological studies. And these new lot arrangements essentially all reflect the SEQR studies that were done. Just as a quick breakdown on the number of units and the phasing that would occur. I think that we provided a phasing plan at one point, we can get you an updated one since the units are a little different now, but basically the project would be built in 4 phases. Within those 4 phases we would have a mixture of 143 patio homes, 32 town homes, and 60 - 4 -Plex units. 4-Plex units would be down at this lower cul-de-sac as well as large estate lot. But a majority of the units would be the patio homes that are scattered throughout the upper section of the subdivision. We're providing also part of this project 75% green space through out the entire facility and there would be a homeowners association that would help provide maintenance for those green areas. All of the roads though would be dedicated to the town. So thats a quick summary of or update of the project if you have any questions certainly we are here to answer them and we're hopefully to the liking to try to get back in front of the town board with a recommendation.

**Don Roberts:** For your secondary access do you have any idea how many cars will be using that?

**Gavin Villaume:** Yes we do, I think it was 25% or 30% of the cars were gonna use that access or we are gonna use Betts Lane. I know a majority of them are going to go out of Betts Lane. Around 30% of the traffic would go through Hayner.

**Don Roberts:** Any questions by the board?

**John Higgins:** On Betts Lane are you going to build any

**Gavin Villaume:** We are making improvements yes.

**John Higgins:** To town standards?

**Gavin Villaume:** Yup.

**John Higgins:** 28' is not a town standard.

**Gavin Villaume:** Right we will be upgrading to whatever the town standard is.

**John Higgins:** Ok cause, we were told that in the pre meeting that its going to be improved but not to town standards I just wanted to clarify that.

**Gavin Villaume:** No it would be to town standards, I mean it depends on what you call it. There are variations for the roads within the town, as far as road with whatever the town feels appropriate for Betts Lane is what we will do.

**John Higgins:** Well being that's your access to the whole development, obviously its gonna need some major improvements.

**Gavin Villaume:** Oh yea we realize that especially with the grading, the grading is another key part to that, but the road width that would probably be around 28 feet.

**John Higgins:** Ok, then how are you going to handle the problem with the barn at the end as far as sight distances? Chris I'm sorry you have to say your name for the minutes.

**Chris Abele:** Chris Abele, Abele Builders. Before I get to answer a question I have had preliminary talks with John Pingelski, we want to build a road to town standards but the town a while back put a new culvert in and we want to obviously stay within the existing culvert, and as far as you know the width of the road I mean, I don't know, and correct me if I'm wrong, the town road can be 11, 11 2 and 2 which would be 26 so I don't know if the town has a definite 28' standard but correct me if I'm wrong.

**Lynn Murphy:** It's actually bigger than 28feet as we sit here today based on the new road dedication seating, but that doesn't mean your doing a PDD and we're figuring out which works from an engineering standpoint plus taking into account the culvert etc. The question is what is the current width of a town road, pursuant to the road dedication standards its 32 feet.

**Chris Abele:** But it being PDD that's not the case correct? It depends on what's built to town standards, the width can change.

**Lyn Murphy:** Ok so when you say built to town standards I think what he is trying to say is built to a standard that is acceptable to the town board as part of a PDD, just so we are clear.

**Chis Abele:** Yes, right. And as to the issue with the barn you know we do have a traffic study from Greenman/Pedersen that says the sight distance is fine, but ya know we have had that done.

**John Higgins:** well we discussed this previously, the sight distance is fine as long as he doesn't have his hay wagon and everything else out there loading hay in the barn and thats the problem this time of year and you know as well as I do he loads hay in there all of the time. The other thing is originally the access to Hayner was supposed to be just an emergency access, now your talking about 30%. You realize that the Hayners at a previous public hearing had voiced concerns and I believed they also sent a letter stating that when they were under the impression that it was only going to be emergency access out there at that entrance. Have you talked to them at all about that?

**Chris Abele:** I was aware they sent a letter and I know I never committed to any limitation to emergency, and I would say one other thing, speaking from a lot of experience, Sheldon Hills should have had 2 entrances and the Planning Board chose not to do that and that was a big mistake. So to me a project of this size should have 2 entrances. I think its better for the flow of traffic and I think it's also better for the safety of the people and it's a better land plan design.

**John Higgins:** Sheldon Hills emergency exit gets used all the time.

**Chris Abele:** But it's not a full-fledged exit.

**John Higgins:** I understand that but the amount of traffic that goes out of there.

**Chris Abele:** And I live there so I do know it.

**John Higgins:** My son lives on Upper Newtown and I see that all the time.

**Chris Abele:** And that was a mistake, and I would hopefully not repeat that mistake.

**John Higgins:** Well I think part of it is Sheldon had, we knew all along it was gonna have the light and everything else, that's a little different situation. The eventual connection to the Pingelski, I believe there's about 50 acres back there that's on this side of the steep?

**Chris Abele:** I'm not sure, it's a fair amount of land yes.

**John Higgins:** So we could be easily looking at another 50 houses accessing through that entrance.

**Chris Abele:** Sure

**Gavin Villaume:** Possibility yea.

**John Higgins:** the other thing your offering \$500.00 per lot for the public benefit, now I realize that the road improvements and the light and everything else are all part of that which your having meetings on but you knew about that three years ago when you bought the land that you were going to have to commit to some of the light traffic improvements and things like that. I think originally you were giving the town a lot more as far as a public benefit than you're considering now. Again this is just items that the board, the planning board we don't control the public benefit the town board does but your asking for a positive or negative recommendation back at the town board and these are just the things that this boards looking at.

**Chris Abele:** And I do appreciate that and we do have, and Gavin referred to it and we do have a memorandum of understanding and Lyn has been in touch with our attorney and it hasn't been decided on yet and you know its a very complicated issue and you know we understand there's a lot traffic problems and we want to do our fair share but you know we would hopefully negotiate something thats fair for everybody. Ya know because we have preliminary estimates on the Betts Lane improvement is gonna be somewhere half a million and up right Eddy?

**Ed Abele:** Yea, yea it's more than that yea.

**Chris Abele:** Yea and I just, ya know I'm coming off Sheldon Hills we paid for the red light \$ 350,000 Stewarts paid zero. I just want to make that clear, we paid a half a million for the turning lanes, Stewarts paid \$44,000.00. And we paid about a Million in GEIS fees, \$2894.00 x 310 about a million bucks. So we have done a heck of a lot of benefit for this town, plus we just put a 350,000.00 water line from here down to connect to Bruces project which was for Glenn Meadows but we have \$150,000.00 credit that is due to us when the Betts Farm is approved, but I do understand we wanna do our fair share so to speak but we want to be treated well also.

**John Higgins:** But also the density has gone up because you also have the two areas that were previously going to be given to the town that you're putting the 4-plexes in, proposed to put the 4-plexes in.

**Chris Abele:** And we you know as Gavin eluded to there possibly was going to be a school there and we had ball fields and I do want to re emphasize we started this project in 2011 we've owned this property since 2007 and our first application to the town was 2011 five years agi but so ya know when the school, when we couldn't get together with the school we wanted to come up with an innovative project that I've talked to with another developer and thats where the 4-plexes, oh and the other thing was we did have ball fields , I cant even remember but it was 2, 3 years ago and then through talks with the town supervisor they didnt want that they wanted the money for the traffic improvements.

**John Higgins:** Ok, thank you.

**Chris Abele:** You're welcome.

**Don Roberts:** Anyone else? Ok, I guess there have been some substantial changes to this project so I think we should refer to Clough Harbor for review and the other agencies as well Rich alright? Ok.

**Gavin Villaume:** Sounds good, great thank you.

*The Board has referred the The Betts Farm PDD to their Engineering Firm Clough Harbor for further review.*

## **12.079      The Kensington at Halfmoon PDD - Phase II, Stone Quarry Road - PDD**

**Bill Hoblock:** Bill Hoblock with Capitol District properties here for the Kensington at Halfmoon multi family PDD application. In which is a 70-unit continuation of the Kensington of Halfmoon multi family community on Stone Quarry Road. There are no changes to the application since its been submitted over the years in narrative form, public informational meetings myself being here, so I wont rehash all the facts, I think everyone knows it. I'll Just get back to the last time we were here it was December of 2013 for the public informational meeting the two main issues ill call them that really I think were discussed and arose at that from the board perspective as well as the public and the related are density and traffic. I'll discuss density first. This was originally proposed as a 90 unit PDD it was reduced to 70 at that time the town code wasn't clear on PDD density, that has since been clarified and an amendment to the code in 2014 per the useable land the 7.34 useable acres on this parcel the maximum permitted density would be 73 units we are only proposing 70 so we have not changed the requested density for that reason because of the code clarification. Secondly and lastly it was traffic, if you remember we originally submitted a traffic impact study form Creighton Manning based on the ITE numbers and there was a question by the board as being an assumptions and not actual, we then performed traffic counts of a similar multi family community of ours in the Town of Wilton called the Paddocks of Saratoga that show the actual traffic counts per volumes where approximately half of the ITE numbers were assumptions those were questioned so we did the counts again for a second time at the request of the board and the second time there was a question also. At the 2013 public informational meeting I felt it was very clear that the only way to really answer the boards concerns about traffic was to wait until the Kensington of Halfmoon which is now built on Stone Quarry across the road from this proposed PDD, wait till that was done and do actual counts of a project with the same product in the town of Halfmoon, because some of the comments were the Paddox is in Wilton not Halfmoon. So I did that, ya know we waited until the Kensington was complete and fully occupied, that was last year, we did the actual counts, the actual counts as submitted in the updated traffic report by Creighton Manning earlier this summer is in line with the two Paddox actual counts that show the traffic volumes to be generated by this PDD are half of the ITE numbers. 70 units generates 27 trips during the am peak and 23 during the pm peak, also at the request of the town we had Creighton Manning look at all have there were 3 intersections approximate to the PDD. The concern there was that the accidents may have increased or spiked seeing that the Kensington has been built and fully occupied, and as shown in the updated traffic study that is not the case. We wanted to come here and present that traffic study to show that the traffic volumes are approximately 50% of the assumed impacts and also that the accidents in the approximate intersections have not increased even though Kensington in Phase I is done in full and we are asking for a recommendation from the Planning Board tonight. Thank you.

**Don Roberts:** So you would like a recommendation tonight if possible?

**Bill Hoblock:** Please, thank you.

**Don Roberts:** Any questions from the Board?

**Rich Berkowitz:** How come you chose one day to do your traffic study, how come not a, different days, different weeks?

**Bill Hoblock:** I have Martin Doling here from Creighton Manning.

**Rich Berkowitz:** Also what's your occupancy rate, summer versus winter?

**Bill Hoblock:** Its generally the same, we're running about 95%.

**Rich Berkowitz:** No, I'm talking about actual occupancy rates, snowbirds versus non-snowbirds.

**Bill Hoblock:** It stays about the same, we don't have a tremendous amount, I cant tell you exactly how many people leave, thats why, let me back up, when we did the first Paddocks actual traffic counts, I believe they were done in about February, and that was the concern, one of the concerns was that you'll, that I'll have snow birds in the Paddox thats why we waited a few months until I believe it was May to run them again and the results were identical. That's how the issue has been hashed over, but however he will answer if you want.

**Rich Berkowitz:** Ok.

**Martin Doling:** We did the counts on one day its, that day is going to be representative of any normal day, there is no difference really between a Monday, Tuesday, Wednesday, Thursday, Friday,

**Rich Berkowitz:** Sure there is.

**Martin Dolan:** Yes but the statistical difference is not great, it's not great enough to where it would change a recommendation, and you're going to be within plus or minus 10% of any day. I mean every road is gonna have a fluctuation of traffic, you could put an atr down on those roads and that fluctuation from day to day is not gonna be statistically important from day to day so we went out and had someone physically count it so they could visually see the cars entering and exiting rather than relying on the traffic tubes that could have some sort of error based on when the tubes are hit so, we could actually visually watch them going in and out, so thats why we did it that way rather than just putting tubes on the roads.

**Rich Berkowitz:** So you put somebody at the end of Kensington to see whether they turned right or left so you marked that?

**Martin Dolan:** Yep

**Rich Berkowitz:** So did you have anybody waiting at rte 9 or at Woodin Road to see how long it would take to make a turn?

**Martin Dolan:** We did that as part of a supplemental study I believe earlier in this process so.

**Rich Berkowitz:** When Kensington Heights was not present

**Martin Dolan:** Correct

**Rich Berkowitz:** So you didnt have Kensington Heights traffic added into the new study?

**Martin Dolan:** No but when we did the new study and we looked at the delay, a couple years prior when

**Rich Berkowitz:** when Kensington was not there and there was no other projects that had been finished?

**Martin Dolan:** Correct, but the delay that was observed was consistent with what the analysis was showing us and so the analysis did take into account full build out of Kensington Phase I and II, so we feel that the analysis was calibrated on 2 years ago data when Kensington wasn't there, so by adding traffic associated with Kensington and Phase I and II the model should still be calibrated for that condition in the future. Any other questions?

**Don Roberts:** Anyone else.

**Tom Koval:** I just had some questions about the property itself, what is the makeup mostly of the property this will be getting built on, is it still mostly rock like the rest of Stone Quarry?

**Bill Hoblock:** Yes it is, if you look behind you its 17.39 acres, 7.34 usable and that 7.34 is generally the building envelope and in yellow for the most part and after that it steeps heavily down into a ravine headed towards the commercial and industrial uses around it.

**Tom Koval:** All right so there would be a significant amount of blasting that would need to be done for these properties?

**Bill Hoblock:** there will be blasting on that plateau of that 7.34 acres correct.

**Tom Koval:** I know we've had concerns from neighbors about the last project the blasting and promises that were made that apparently that were not kept, I'm not sure of why.

**Bill Hoblock:** I'll comment on that, we had a, obviously more significant blasting than were in the existing project cause we were over 32 acres with respect to the blasting we had to submit to the town and have an approved a blasting plan. Our blasting contract was with Main Drilling and Blasting. Part of the plan did involve pre blast inspections and post blast inspections of adjacent homes as well as setting up seismograph machines around the boundaries of the properties to pick up all of the vibrations caused by blasting. So we complied with what the town required us to do for blasting.

**Tom Koval:** Right was there any concern, were the neighbors wells thought about with all of this blasting?

**Bill Hoblock:** I know we are probably referencing the email we received today, it contained a claim of a contaminated well, I don't know anything about it more than any know.

**Tom Koval:** Its just one? One-neighbor that complained about it?

**Bill Hoblock:** We have never received, any complaint that I'm aware of apart from the email today, from other neighbors of damage related to the blasting saying my foundation was affected, my well is damages there never has been a claim against us, we never had anything through Main, Main has never made us aware of anything so thats all I can tell you.

**Tom Koval:** So there has been no litigation about the other project.

**Bill Hoblock:** Correct.

**Tom Koval:** Ok

**Don Roberts:** Now as your aware the first public information meeting the big concern was density.

**Bill Hoblock:** Correct.

**Don Roberts:** And you're not proposing on lowering density at all?

**Bill Hoblock:** We had lowered it from 90 to 70 prior and a lot of the discussion and a lot of you were there obviously the board hasn't changed much. Was that the code was unclear, one part said gross, one part said net, so now that its been clarified we have a maximum density set in the code which we are now under so for those reasons plus the fact that we have just demonstrated in the traffic reports that were submitted that the traffic impact at 70 units will be half of what everyone has always assumed with the ITE numbers, generating just over 20 cars just during the peak hours of the day, we have not decreased the density for those reasons, you are correct.

**Don Roberts:** Anyone else from the board like to comment or have any questions?

**John Higgins:** the build able area is where the existing stone quarry was correct?

**Bill Hoblock:** Correct

**John Higgins:** Previously I know the board has mentioned to you that we felt the 70 even was too dense, based on the amount of blasting and the neighbors' reactions as well as the traffic.

**Bill Hoblock:** Understood.

**John Higgins:** I mean ya know it doesn't appear that anything has changed since the last time that you were here.

**Bill Hoblock:** Correct

**John Higgins:** on your end or on our end, apart from performing the requested traffic studies correct, no change in the plan.

**Don Roberts:** And again the big concern was the impact on the neighbors last time around, it was a big concern for everybody that was here.

**Bill Hoblock:** Apart from the fact if you look at the land use its surrounded by Industrial and Commercial and a power line so you don't have, you have a lot more many, more single family homes that abutted Kensington Phase II Certainly that you do in this commercial zone piece of piece of property, but I understand your concerns I hear em.

**Don Roberts:** Now do you recall if this was to be a standard subdivision how many single family homes

**Bill Hoblock:** Ten, this is an approved subdivision for ten single-family homes.

**Don Roberts:** Ok, Thank you. Anyone else?

**John Higgins:** As far as the traffic I understand where they are coming from but just a week ago or two I mean that whole area was dead locked because of the problem of the Northway there was a concert going on in Saratoga, there were a number of factors that you cant take into consideration in a normal traffic study.

**Bill Hoblock:** Correct

**John Higgins:** Plus we've just had two developments Linden Village and another one. They tell us they anticipate that people are going to use stone quarry as a way to get around the traffic, so even though it doesn't appear that this development is going to affect the overall traffic, just the amount of traffic on stone quarry itself plus all the surrounding developments are going to use it. That's why this board has a problem with the density and the amount of traffic on stone quarry and I know it's not specifically just this one project but there is a number of projects and that's the biggest complaint we hear from residents is traffic by far.

**Bill Hoblock:** Ok.

**Don Roberts:** Ok, well board I guess we've heard the comments we've heard a presentation and nothing has substantially changed from last time, the gentleman wants a recommendation to the town board so what's your pleasure.

**Rich Berkowitz:** Just based on my view that nothing changes since our previous vote I'm gonna make a recommendation I'll make a motion to a negative recommendation for the PDD.

**Don Roberts:** Do I have a second?

**Lynn Murphy:** Ok wait before you proceed just so we are clear, I don't believe that there was a previous vote

**Rich Berkowitz:** No there never has been one sorry; I still will make a negative recommendation for a PDD.

**Tom Koval:** I second that I still feel it's too dense.

*Rich Berkowitz made a motion to declare a negative recommendation for The Kensington at Halfmoon PDD. Tom Koval seconded. Negative recommendation Carried.*

**Bill Hoblock:** Ok, thank you for your time.

**Don Roberts:** Thank you very much.

*Tom Ruchlicki made a motion to adjourn the meeting at 7:40 pm. Rich Berkowitz seconded. Meeting Adjourned.*