

**MINUTES MEETING
Town of Halfmoon Planning Board
September 12, 2016**

Those present at the September 12, 2016 Planning Board meeting were:

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

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

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

John Higgins made a motion to Approve the Minutes from the August 22, 2016 meeting. Tom Koval seconded. Motion Approved.

Don Roberts and Margaret Sautter abstained from the minutes approval vote because they were not present at the meeting.

Public Information Meeting:

16.143 Halfmoon Village PDD, 2 Beach Road - PDD Amendment Recommendation

Don Roberts: Now just a little background information, back in 2012 the applicant received approval for 244 condominium units. 2014 Town Board approved a change in the type of residential units from condominiums to either condominiums or apartments and now tonight the applicants here once again to discuss some additional changes. So go ahead John.

John Montagne: Thank you very much for having us here thank you everybody for coming out tonight to hear what is happening with this project, many of you know this project has been around for quite a long time and its gone through a lot of different iterations, its a very unique site and so it takes a long time to work through everything to try and do a development project. So the objective tonight for the public information meeting, as the chairman said this PDD was originally adopted in 2012, 244 units at that time there were 11 large structures essentially 6 main structures that had 11 pieces to it those were 3 and 4 stories tall over parking decks so there were

not individual parking garages we showed that they were like a parking surface parking area underneath the units. At the time the units were fairly large they were mostly 3 bedroom units 565 bedrooms and the total of parking both parking onsite and under the building was about 465 spaces. That was back in 2012 and as you know when the market for condominiums in 2012 really started to go down hill in the Capital District and elsewhere in the country and so efforts were made after that to look at other means of ownership options for the project and in 2014 the applicants came back and requested an amendment, basically an ownership amendment basically to go from a condominium ownership format to a managed apartment ownership and apartment rentals. Very much a similar type of use and in 2014 we also updated the traffic study to adjust for any minor changes that would have happened by changing from condominium to apartment. So since 2 years have passed since that time and there has been a significant amount of design that has gone on, new architecture had to be evaluated options for onsite circulation had to be looked at utilities had to be looked at, evaluation of cost benefit ratios and public benefits, in the end what we wound up with is a project that the applicants believe is a very do-able project based on the market that currently exists. It retains the primary public benefit component from the original PDD, it is still 244 units however now instead of 3 and 4 stories above of parking deck units are all 2 stories. So a much lower profile on the horizon. Significantly less visibility from the river and other things, much more of a residential setting than of a high rise setting. The bedroom count has been changed to address market changes so the bedroom count is now 498 bedrooms, that's because there is a need in the market now for 1,2 and 3 bedroom units not just all-large 3-bedroom units. There is 88 compliant parking in each unit or ability for that, each unit has a, its own independent garage surface level when it comes in ramps up inside and is accessible to the first level of all units, there are some buildings, there are 9 buildings that also have double garages and some of those buildings have second story units those would not be 88 compliant, but that's out of all the buildings, 24 buildings that's more than 3/4 of the units are 88 compliant. As I said it's a lower 2 story profile but in addition I'll show you on the rendering the buildings are set back from the river's edge more than what was shown in 2014. The original project included a proposal to do boat slips in order to do boat slips because of the shallow nature of this section of the river dredging was proposed that dredging was fairly significant in cost it was about 55,000 cubic yards of dredge material and that added well over a million dollars in cost to the project that has been removed it is just not feasible. As part of this design we have updated the flood study I will talk about that a little bit later and we still have off site improvements that I'll discuss. So in 2014 the revised design had 22 buildings that were shown and what it did is there was a main drive that came through in the original pdd design that had tried to continue as a spine and then obviously when you look at this design there is a lack of centralized green spaces and other things that we really wanted to introduce into the site design, and so this was is more designed just to look at what a 244 unit 2 story structure project would be. These were 12 unit buildings and 10 unit buildings. The architecture that was proposed at the time was the pretty much what you would call the traditional big house architecture that had been around similar to some other projects that are in the area, it's a nice design they do have very nice floor layouts, but again since 2014 the effort that we put in we are looking at modifying that architecture to give it a different flavor for us. So the revised design now removes the center spine, it's one of the biggest things, you have a portion of it here but in the center now what you have is you have a club house, a pool, open green space complex and an entrance that comes into a centralized drop off so that when people when they come in as guests to the property they get orientated very quickly on where they need to go to get information. All of the buildings are 10 unit buildings, there are no 12 unit buildings anymore and a good portion of the buildings which have this shape right here, excuse me this and this, this is the shape are a town home type, where the units have a first level living area and a second level also. That gives all of those residents the ability to have separation, you don't have a neighbor above you, you have better views out to the river and the amenities on the property and it's just a very nice feel to it. The architect that was brought in for this is a company that is known as Humphrey's and Partners Architects they are a nationally known firm that has offices in many major cities around the country and they specialize in this design, the thing that you will notice about this is even though we have garages and other things there are a lot of components that are added to this to give it more of a traditional residential feel. You've got chimneys, you've got copulas, you've got dormers and other elements that really improve and enhance the visual quality of the units themselves, and the interior architecture is just as beautiful. The nice thing is that there are examples around of these units, this particular one is just being completed right now, it's in Sussex County Delaware which is only about a probably four hour drive but if you are ever vacationing at Cape Cod or anything you could probably look it up and go see it. But we bring this along just to

show what the quality of the architecture is. So the main purpose of what we're doing right now is we are before the town board for amended language to the pdd. We are not before the town right now for final site plan or for site plan approval, we are just before the town for pdd. The planning board is an advisory board to the town board and we are in the process right now of asking the town planning board to review what we've got and make a recommendation back to the town board on whether or not these amendments to the pdd should go forward. So I'm going to touch very quickly on what they are. The original project name was Halfmoon Village and Yacht club, so we are gonna change the name because we don't have a yacht club anymore so it's now Halfmoon Village. The boundaries for the project had referenced an older survey since the time of the last study an updated ultra survey has been done for the boundary, an ultra survey is just a higher level of survey, it checks to make sure there are no encumbrances or deeds or other issues on the site, it clears it for the ability for banks to lend or other agencies to lend on the property. We are going to do a clarification on the public benefit implementation timing in the previous pdd language there really wasn't any discussion about when the public benefits would come due, so we have added that language in so its very clear when the project is built when those benefits would come. Obviously we've got a change in architecture, previously we had 6 larger buildings that were broken up into 11 separate larger taller buildings and now we have 24 -10 unit structures and they are all 2 stories and we have a club house and that club house actually has 4 units in it and thats also 2 story. Noting in that one section in the development section that the dredging and boat slips and moorings are no longer involved or included. A modification in the discussion about parking an individual parking garages lie with in each structure not as parking decks below. Now its important to point out that when you change to somebody having an individual garage you have the potential for that individual garage to be used as a storage unit and not a place to park your car, so in 2014 when we first reviewed this with the town engineer one of the comments that came back is that there was going to be a need for additional on surface parking to accommodate those properties or units where people don't actually park their car in the garage. So to that end the revised site plan has 244 driveways that will go to each unit, as I mentioned there are 9 buildings that have double garages so there are 244 garages plus 9 additional garage spaces and then on the site now we had modified the design to meet the towns minimum parking standard which is a 10 x 20 parking space and with that we have 88 visitor parking spaces and we have 21 additional handicapped spaces that are located throughout the property so that people with handicapped parking stickers will have the ability to park around the property. Stormwater management is actually included in the pdd language and there is an updated stormwater management plan that was just actually handed to the town engineer tonight for review and then obviously there's an updated public benefits section in that and some other small textaments. After the town board or the planning board makes its referral we will be working with the town board on making sure that all the language is to their liking. It actually becomes their document and becomes an amendment to the towns zoning law. So I added a couple things in here of engineering notes is what I call them just to get everybody, everybody's arms around some of the issues that have been discussed over the past, many of you haven't really been involved with this project so this may help. In the 2009 environmental impact statement that was done for this project in advance of 2012 when the meeting language was adopted the traffic study identified that a project of this size with 244 units would generate on an a.m., a week day a.m. about 100 trips and then in the p.m. period about 98 and then on weekends it would be less. With those trips, those 100 trips, 98 trips are distributed to 5 different intersections so what I'm saying is you've got a 100 cars that are going to come out of here but they are going to go to 5 different locations and so your gonna have 100 divided by 5 so you've got 20 plus cars at each intersection a very low volume not a big volume. That was in the 2009 study by Chazen Engineering. In 2014 when we came in for the change to future traffic volumes the one thing that was brought up in that study is that for all movements within this project the change from apartments, from condominiums to apartments ya know worse case scenario would add 15 vehicle trips to anyone of those peak periods, and again those 15 trips plus the 100 are distributed by 5 different intersections. And so the conclusion from that is that your really looking at your forecasting about 23 maximum directional trips in any given intersection, which is less than 25 % of what the institute of traffic engineers identifies as something that will affect the level of service at an intersection. And so what we're not saying is there aren't intersections around this property that have delays, you all experience them right now, what we are saying is that this project in its location and its distribution does not change that level of service, it does not impact that level of service and make it worse based on the number of trips. Another issue on this property is a concern over flooding, in the original impact statement a flood analysis was done for this submission an updated flood assessment was done. This was done by a firm out of

Binghamton that specializes in flood investigation, flood analysis work, their conclusion from their flood study is that based on the amount of change to the site that we have with in the flood plane there is no rise in the 100 year water surface elevations at any of the cross sections. What that means is there is no impact to the ability of the river to convey floods attributed to this project. Now what leads to this a big portion of it is if your familiar with this section of the Mohawk River, the river is about 2000 feet wide in this area and its shallow and it carries a lot of flow. We are looking at adding over to this 20-acre area an average of about 3 to 4 feet of fill. 3 to 4 feet of fill in a size area like this is pretty much the drop in a bucket and so the analysis has come back with no impact at all to the flood plane. Having said that however there is still concern about the building to get off the site to other areas. In 2009 impact statement one of the things that was identified is there is about a 700 foot section of towpath and canal roads that has some low areas and what you see at the bottom here this is the section of towpath road and canal road we are talking about this is Beach Road and this is the existing entrance to Krause Restaurant and Grove property right here and this is our project entrance so from here to here which is about 700 feet we are looking at modifying the elevations in here to improve the ability for this to be out of the flood area. In 2011 you all remember the wonderful storms we had with hurricane Irene and tropical storm Lee right on its tails, the Mohawk in this section and above was greatly was greatly impacted by that. We had locks that were wiped out, we had significant flooding, at that time we were at that intersection that we talked about right here with town representatives and the engineers and we watched the flood peak at that intersection and that intersection actually was never in danger, everything around it was but that intersection wasn't. A topographic survey was done for that whole route and that intersection is at elevation 192 so our goal to improve the access along this section of towpath road is to increase the grades along here by a few feet to get us to that at least that 192. So what were proposing and you can see it briefly in this profile down here is you've got an undulating format here and this adds a few feet if fill to the crown of that road bringing the lowest grade to 192 the highest grade to 193. And so that entire road section will now be above that 192 flood. Its important to note that FEMA at the time identified that the flooding in this section of the Mohawk was equivalent to about a 500 year event, so its a great indicator that if we can do this we should really enhance the ability to prevent people from having issues with flooding. At the same time though there are always concerns along the river about what happens in spring ice thaw breakup, it's called ice jamming. A couple things have happened since the last real major ice jam in this area. In the late 1990's the Crescent Bridge was rebuilt and what happens with ice jamming in this area of the river is it either jams up, up in the stockade area of the Schenectady or if it gets through that and gets down to the locks it used to jam up significantly in both the dam below the crescent bridge and the piers in the old section of the crescent bridge, and that would back up the river all of the way up through where our area is. The redesign of the crescent bridge actually reduced the number of piers in the river and widened the mouth slightly, and since the 1990's when the Crescent Bridge has been done there have been no reported new large flood events from ice jamming. Now thats not to say they cant happen, obviously they can and we are not making the claim that they cant we are just saying that that has improved. In 2012 the governors office at a cabinet level, developed this mighty waters task force and that task force is made up of NYS DEC and the Dept. of State and brings in FEMA it brings in the Canal Corporation and it brings in other County and local agencies in to evaluating this section of the Mohawk River thats what that task force is for. One of the outcomes from that is a new stream gauge program that has been put in place since 2012 a number of those gauges are up and running and have been in testing for the past 2 years, they are coordinated by a joint effort of the Federal, State and County management system. So one of the things that tells us now is we now have something we didnt have in 2009 and that is actually a State level program designed to identify early on any major flooding conditions that could be contributed by the ice jamming and or by rain events. In addition to that in 2012 when the SEQR findings were approved for the impact statement for this project a flood warning and evacuation plan was included in the appendices of that report, and that report identified all of the local actions that would be taking place both by the management company that would be responsible for managing the apartments by the residents that would be in the apartments that would give them information on it and by the local emergency services coordinated with the county. The outcome from that and the findings was that the town board as the lead agency determined at that time that, that all of those elements put together was enough to satisfy their beliefs that the health, safety and welfare of the residents would be protected by the measures that were being proposed and installed. The last section that I want talk about from an engineering note is the offsite sanitary sewer, there has been a lot of discussion about the sanitary force main thats proposed for this project. The force main will leave this site of beach road it will go off

Dunsbach Road and it will make its way through the Timberwick subdivision and tie into the Grooms Road pump station. That force main is currently sized at an 8 inch force main and along that force main route there are approximately 75 existing single family residences and when the project was originally presented to the town board the town board had requested that a single family residence along that road be allowed to tie in to the force main and we're going to maintain that that condition is still set. Since that time however we have been working with the county on the actual design of the force main system and the county has put a requirement on that. The county has identified that they will only allow tie ins to that force main system for the residents if the residents present plans to them for how they would modify their septic system design to be able to tie into the force main. Now if you've seen in the crescent area there is a low pressure sewer system that has these little black covers out in front of their yards those are their E-1 pumps that service each residential property what you do is you disconnect your septic system you drain to one of those E-1 pumps, those E-1 pumps then pump into the force main. That's the system that the county is going to require for each unit and when I say that everybody has to look at it individually everybody's house ties into their own individual septic systems in a unique way so your gonna have to have somebody look at that and design your connection. And then the county after a review of that will give the ok for that tap to be put in on that service line. So having said that one of the things that was asked is that we make sure the residents in the area were given adequate time to really look into this and what we're suggesting is as we get a little bit further through site plan an get closer to construction that a notification letter would probably do a certified return receipt mail goes out to all the residents letting them know what it really means what they need to do, if you have a septic system thats in failure right now your probably looking at a \$ 12,000 minimum improvement to your property this is probably going to be a much cheaper modification and something you should seriously look at. If you just put \$12,000 into a new septic system your not going to just abandon that alright and so this is to give your information on that and I think that the most important thing is ya know during construction we will be putting in taps for anybody at that time goes to the county and wants to do it, that doesn't mean that in the future if you decide to tie into it you cant, obviously you can, the difference is at that time which maybe 5 years from now you would just have to put your tap into the force main, still do all the other components the only additional piece is you have to put your own tap in , alright so the ability for those residents is still there a notification will go out to make sure everybody is aware of that and thats about what we can do to educate everybody on that. Finally we were asked to make sure everybody understands what the public benefits are, the section that I noted before of beach and canal were going to be modifying the grades is also an area where were going to include a manhole at the intersection of beach and canal and a sewer line, that will be a gravity sewer line back to the projects pump station that will be an in active line that is going to be dedicated to the sewer district and its available for the town so that at some time in the future for the residents that are on the other section of Canal road going all the way back out to Vischer ferry if a low pressure sewer line is put into there or some other sewer line is put into there it can tie into this manhole drain to the pump station and be included in the sewer district. So thats one of the benefits that will be included. The other thing is we have met with the highway superintendent, we've looked at improvements for both Dunsbach road and Canal road and as you know on both of those roads there are some dips and valleys and the town was planning on paving Dunsbach road this year we've asked for them to actually hold off on that so that we can get our force main in. It will be a \$315,000.00 contribution, which is actually a \$ 100,000.00 more than what was originally presented to the town board. That will be given to the highway dept with the condition that those funds be allocated for improvements for Dunsbach road and Canal road. So that is the town proceeds and does their own work they will have a base to work from. And then finally the project will be contributing park and recreation fees up to the amount of \$ 1,500.00 per unit, which is \$366,000.00.

Lynn Murphy: The board is just reacting because it says 500 instead of

John Montagne: Yea I don't know why that is, I know I put, if you take 366 and divide it by 244 its 1,500 so that is a typo, its \$ 1,500, the important thing out of it is \$ 721,000.00 of public benefits which is about 2.4% of the construction costs of this project which is pretty substantial. In addition to that other public benefits which we have just noted is ya know we've got 3 miles of sewer and ability for 75 existing residential properties to tie into that. National Grid right now is doing an extensive natural gas extension in the area, our project because of the number of units will allow that natural gas to go all the way to our property and any resident along that road will be able to

get natural gas service in their buildings at no cost to them. In addition every time you advance a national grid gas line any residents that are with in a certain distance of that gas line can also request that national grid then tie them in, and so you will get a leap frog that will start to go down canal road and the rest of beach road and Dunsbach and potentially even clam steam road so the whole area will start to get natural gas extension. And then obviously ya know we have a commercial property that has been, ya know was very, very viable years ago had many, many camps on it, a very active restaurant and a grove operation, it now survives on just the grove operation and while the town does not have its own taxing the county does and the project will help with the tax base in the area. And so in summary it's still a 244-unit project, it's a high-end apartment unit project with a nice design we believe. We cluster our buildings in 24 - 10 unit structures instead of the larger taller structures, we have a club house that is centered on the site with a pool that has four units in it, there is no more dredging associated with it or boat slips and the public benefits again are the dry sewer the contribution for roadway improvement the park and rec fees, the sewer extension and continue to extension of natural gas service. So that's the end of my presentation I will turn it over for comments.

Don Roberts: Thank you John, at this time I will like to open the public information meeting and just ask if anyone would like to speak please come up give us your name and address and give us your comments. Does anyone wish to speak?

Deborah Watts: My name is Deb Watts and I live at 89 Old Canal Road and I've lived there for the past 30 years and I've attended several of these meetings in the past as well as the town board meetings regarding this issue and as far as I can see there is no real big difference in the changes, its changed to condos and apartments and now just apartments. The original concerns I've always brought up and expressed have been increased traffic for both pedestrian and bike safety, the increased traffic includes not only Dunsbach and Beach road but old canal road. During the traffic continues to increase on Old Canal road now and doubles and triples especially if there is a problem on the Northway because thats the quickest place to get to route 9. The speed limit on old Canal road currently is like 40 to be lowered because of the safety and increased traffic. We are seeing an increase in the number of pedestrians and bikers due to the bike path now. I'm also concerned with the number of proposed units, the density has remained the same and again there is no changes regarding this and its my hope that you as members of the planning board need to reject this proposal and I hope that the town board will concur with your denial this time. Thank you.

Don Roberts: Ok, thank you very much, anyone else? Paul can you fix the microphone for the lady please. I need your name and address please for the record

Arlene Clements: Arlene Clements, 20 Beach Road. My property adjoins Krause's and I'm concerned over the density, the traffic number one and I really don't agree with the surveys that you do with the traffic and everything, there are times you go up Dunsbach you cannot take a left, many of us we all talk about it, we take a right go down turn around somewhere and come back or if I go down Canal road you cant get out to get onto route 9 because of the traffic coming down the hill, nobody lets you in, so when you figure there is going to be 498 bedrooms you've got to figure every person in the bedroom has a car , you figure every apartment is going to have at least 2 cars thats going to be a heck of a lot of traffic , I don't buy the fact that they said the percentages of the cars going at peak hours. I have even not left my house during the peak hours because of the traffic to get out. So to have all of that next to me and have to deal with getting out of my driveway and going down it's going to be a nightmare. My other concern is the fact that there is going to be apartments. Even though you say they are going to be high end there is always gonna be problems and I know, I want to know how much of a barrier is going to be between your project and my property and is there, I saw trees, but is there also going to be a fence?

Don Roberts: Thats fine, sure continue please, mam he will respond after you are done.

Arlene Clements: Those are concerns of mine cause then people are going to have animals they are all going to be running over, I love animals but you know I don't need a lot of animals coming over and ya know having to walk in

the grass and watch where I'm walking I mean cause they are gonna be coming, but I'm just concerned with the traffic and what's gonna happen there. But the traffic is my main concern, and I know its going to be the same entrance that you explained before they are gonna go down towards the Clamsteam Tavern and go in there they are gonna block it off where the V is, cause it wasn't clear and I couldn't quite tell.

John Montagne: We have a different drawing up here that should help if you want I could get you the microfilm

Arlene Clements: oh yea.

John Montage: Ok ill try to address each comment, traffic studies as you know are engineered studies and they are reviewed by the town engineer also and they are done by engineering consultants and so the outcomes of those are engineered studies and the results of them are ya know pretty much the results of those studies so I really don't have much that I can offer other than thats how the studies come out and I do understand what your concerns are, the one big issue that we all know about is that with the Northway exit where it is and Vischer ferry road NYS DOT will not allow signals on that road because they want to keep the traffic moving and thats something that the town has been struggling with for a long time and that is not a result of a project like this that is trying to go into those areas. The trip generation as I have identified that there will be peak am and pm trips but you know its gonna happen there are people that have to go to work. But at the same token the Krause's property right now quite often on Friday pm peak periods and other peak periods have large public events that are over a thousand cars, we are a quarter of that and distributed throughout the day, so I do believe in honesty that you will see a reduction in traffic. You also asked about the buffering between your property and the other now this drawing its a little hard to see but the existing entrance in your driveway is right here and the new entrance is over here and this from here to here is about 250 to 300 feet away ok, if you look on the Krause property when you go next time you will see the sign which is over here there are some very large trees which are back here, the driveway is on the other side of those trees just so you can see it when you go into your property the next time. The town had originally asked for a park to be in here, the town planning board had looked at this with us and we have a trail system that goes through here and this trail actually acts as a secondary emergency access into the site, that will be retained so that will still be a green buffer area, it will have a small trail that will runs through it and it will be landscaped and the existing trees that are there. The one structure that is still adjacent to your property sits right there its that white camp and we are quite a bit away from that right now this is all landscaped and enhanced in this area. Sorry about that, what I was identifying is that, now you can hear me, now I can hear me, there is still a large buffer area thats in here and thats being maintained, there's a small trail that goes through here and I had identified that existing white camp thats still on the property that sits right there and our buildings are all far away. This is the existing Krause drive right here and this is where the new drive will be and thats about 250 feet further west on the property from that other intersection, the whole area will be landscaped and I had also just briefly discussed the trip generation I hope that at least covers

Arlene Clements: The trail is for the public?

John Montagne: The trail is for the residents of the project right now yes.

Arlene Clements: Oh the residents not the public

John Montagne: yes, right

Arlene Clements: and what is at the end of the water is that a dock?

John Montagne: That is just a little pier, a floating pier that goes out into the area so that people can fish out at the end of it, it is not a boat dock, there wont be any boats off of it.

Arlene Clements: I totally disagree with it if the state is not if they are not going to put a light up at Vischer ferry and Dunsbach it is going to be a night mare for all of us and for the people and all of your residents. Your never

going to get out, I mean its awful and if the engineers think its ok I just don't get that, tell them to come down and live our life and try to get out of that road and also Dan as she explained going down to get off onto route 9 its hard when its busy hour and like I said I planned some of my times for going out and shopping and everything like that around those things I mean its crazy. That's all

Don Roberts: ok thank you very much anyone else?

Karen DeNooyer: Hello Karen DeNooyer of 69 Dunsbach Road, I am in favor of the project I think its going to actually going to bring value to the area as well as the benefits of sewer down Dunsbach road. I will say I do have concerns as well about the intersection at Dunsbach and crescent, we are only about 4 houses from that intersection and my oldest daughter got into a severe accident there 2 years ago, I will say this though the traffic and the problem with that is there now, I don't think its going to make it any worse, its as bad as it can get now, someone is going to get killed on that corner and it was almost one of my children so I've been here before I've asked the town you know I've heard its a state road Crescent road and the state is the one not allowing the light I just think that needs to be revisited whether that project goes through or not , I think that everybody here would agree that is a safety concern today, there was just an accident I passed there last week , almost every month there's an accident at that corner, someone's gonna get killed if they haven't already but in all I will say I'm in definite favor of the project I think its good I think its an improvement to the area that land is sitting down there vacant if this doesn't happen we don't know eventually the land could get sold and something less appealing could end up there . This is a nice project so I think it does have really good benefits to the town thank you.

Don Roberts: Thank you, anyone else?

Sandy Roener: My name is Sandy Roener I live at 24 Beach road so I'm just a couple of houses down from the Current entrance to Krause's. In general I also am in favor of the project I like the public benefits that are coming along with it, I have a couple of questions, one also regards the intersection with Dunsbach and Crescent road, who's responsibility is it to look at the gradual increase of developments, their number of houses on Sandy Rock road that comes off Dunsbach, there's a project coming on tonight for Linden Village which is the north side of Dunsbach they're both adding traffic to that intersection as well, and I'd also like to hear more information about exactly what will be done with the road when its being improved , will it be widened will it be a standard road ? My understanding is that at one time basically the town put some asphalt over a dirt road with out really putting the same foundation in that would be standard today. Thank you.

Don Roberts: As John had said as new projects come in if traffic studies are warranted then they do traffic studies that decide the impact of the traffic just so you know. Matt.

Matt Shay: Hi I'm Matt Shay I live on Dunsbach road I'm in favor of the project because of the benefit of the sewer lines, we don't have great, we have some problems with sewers on that road, as far as down on that road I bicycle down there there doesn't seem to be any problem to me but I don't, and I also don't go out at 7 o'clock in the morning so I don't have the problem that a lot of people do at Dunsbach and Vischer Ferry and I think that if we do get a project like this it will probably make the state look at it a little deeper and possibly get a light in so, thank you.

Don Roberts: Ok, thank you Matt, anyone else? Ok, thank you at this time we'll close the public information meeting, comments by the board? Anyone? Margaret?

Margaret Sautter: I was the first one your right. Ok, thank you.

Marcel Nadeau: One of my concerns is the road improvements, I'm sorry go ahead.

Margaret Sautter: For once I was getting to go first, ok, you can talk about that in a minute but I just want to address the woman, because I think she was sitting down, the traffic studies that he did in 2014 did take into account Sandy, was it Sandy Rock and Linden Village I know that but he can address that towards the end and maybe you can name them because it wasn't up there and sometimes it is so they do take those into account, the problem we've heard with this road the Dunsbach and the Crescent is that they grade them A- F this is an F , I don't care if you put a thousand cars on that road it will still stay an F so they can clearly state we are not making it worse no matter what they do , so thats why everyone is spiting what the traffic report is saying, this can be , I also want you to understand when he talks about the 100 cars that is in one hour, that is the one hour peak time that he is talking about. But I did want to ask you said this would go in five different directions that so its dispersed, can you please tell me those 5 different directions? Cause I think they are all heading the same place.

John Montagne: The distribution was in the traffic analysis that was done previously and the distribution includes going out to down Canal road going back up Towpath road past the old restaurant and heading out that way towards Clifton Park down underneath the bridge it includes then going up Beach road and either heading back towards Crescent or heading back towards Dunsbach and then it obviously includes going out to Dunsbach, going out to Beach and going out to Crescent. So there is multiple ways that it goes. Now the traffic study also waits where people go, how much, how many of those trips will go somewhere, and the peaks that it waits showed about 33 trips in an hour. If you take 33 trips in an hour thats a car every 2 minutes so when you look at an intersection when you sit at a traffic light and you sit at that traffic light for 2 minutes thats a very very long delay at a traffic light alright so we've got basically one car added in that very long, long delay that you would have. When we talk about an intersection that has a failure condition the one issue that you have with the Dunsbach and the Vischer Ferry road intersection is that without a signal there it is difficult for people to make the left turn out, you can make a right turn out pretty easily but the left turn is a difficult turn and its not because of how many cars are sitting on Dunsbach its because of how many existing cars go down Vischer Ferry road. Without a signal there your going to have a delay trying to get out in the peak a.m. because of that traffic, it really has nothing to do with generated traffic from the residents that are in the area. So we couldn't agree more we would love to see either a circle there or a signal there or something, we have a lot of residents that live right on Dunsbach that we know, at some point in time we do what is known as warrants the DOT looks at warrants and part of those warrants includes things like accident counts alright and so when we hear that we had a resident that just had a daughter have an accident there contributes to coming up with a number of warrants that the DOT needs to see before they will agree to slow traffic down. What happens is as soon as you put a traffic signal in you slow down the traffic that comes off of exit 8 and that traffic then will start to back up at the exit and they don't want a safety hazard there. My guess is that at some point in time it will not be a signal that will wind up there we're going to be looking at probably the state taking and looking at a round about. When that happens thats anybody's guess really again because its not driven by application projects and its also not driven by the town. The town though, on the town board can do what the town board has been doing and continue to pressure and lobby for an improvement to that intersection, and we would wholeheartedly support that.

Don Roberts: Thanks John.

Margaret Sautter: You also talked about the green space and I just want to make this clear cause you talked about first how you, it was going to be a park but I want to make it clear that the town board said no we would prefer not to be a park cause then you talk about trails through there and that they would be up kept, but you are assuming that the homeowners is going to do the upkeep for that.

John Montagne: No not the homeowners, this is an apartment project so there is a management company that manages all of the property.

Margaret Sautter: So somebody other than the town?

John Montagne: That's right it's not a town thing and that's what has happened, back in 2009, 2008 even before that when this started there was an interest by the town to improve access to the river and that's when the Crescent park was just being started also it didn't really have much to it, just you know a little trail. Since that time the town board has looked at the infrastructure that they have and just in our meetings in the past month, 2 months here the town board has come back and said we have enough to maintain, we want to put the investment into the parks that we have right now and they are not interested in a park at this location at this time to have to maintain it and police it. You know it was an acre, acre and a half in area it had a little fishing pier at the end but if you all know what happens out there, this area is, has a water chestnut issue in the summertime especially in this area so it's really not that conducive to pulling a lot of people off to go fishing here, but they're still going to look for locations along canal road where the waters are more open and have better habitat to fish, so I think that's why the town board ultimately just decided we'd rather take that money and put it towards the parks that we already have and we already maintain. I'm speculating on that, that's a town board decision, however we have a design here that has a couple things that we need, we want to make sure that we have a secondary emergency access to the property, this park allowed us to do that so we are going to maintain that we're going to continue to have that. The pump station is located at that intersection up in the end it will be screened but there will be a little driveway that comes in so the county maintenance vehicle can get into it and the trail will come off of that. It also provides us the buffer that we need to the residential property next door and so it will be a maintained area that will be a green open space just like all of the others there is a significant amount of green space on this project, there is some very, very large acreage that will be maintained. If you're familiar with the Krause property right now the large baseball field and area outside of the grove is this area right here plus the area beyond the fence that goes out, so this is a very large green open space it's at the prominent point that looks out over the river, that's an even bigger green space than what that park would be, so there is a lot of property that the management company would have responsibility for as a homeowners association.

Margaret Sautter: Do you have the number of the percentage of the green space?

John Montagne: I have a calculation not in my head right now, it's greater than 50 % of the property, it's probably I think I had it in the summary I gave, 54 maybe I had put that in the original application letter that I sent the town board, I would be more than happy to send that exact number to you, obviously when we get the site plan review there will be a statistics table and everything else that documents all of that very clearly, again that table right now does not include what would have been the town park so you've got another acre and a half that would get added to that, to that percentage.

Margaret Sautter: Thank you.

Richard Harris: John I just want to clarify in Clough's letter they did note that the proposed green space was reduced from 63.8 % to 59.4 not much but a couple of percentage points.

John Montagne: Ok, well we might be getting it back if we put the 1.5 back in.

Richard Harris: That's right.

Rich Berkowitz: I just have a question about the public benefit, originally this project the public benefit was 1.2 million when you add it all up?

John Montagne: Well there's a couple of things you have to look at, the land itself the 1.5 acre land itself which is part of this project was evaluated at about \$ 250,000.00 value. The improvements on that park were estimated as though it was town workforce and or a bid project, the applicant by doing the work themselves is what they would have done would have been able to do that during construction and it would have a significant difference, but the dollar value that was associated with that was money because it was land being donated based on the assessed value

of that property. So when the town board doesn't want the park anymore the fees that went associated with it the entire \$150,000.00 construction fee, even though it would have cost less went towards this.

Rich Berkowitz: You're still doing construction your just doing a different type of construction.

John Montagne: I'm sorry

Rich Berkowitz: You're still doing construction your just doing a different type of construction.

John Montagne: No no no, we're not going to be, that money is going to the town park fees and it will go to the parks.

Rich Berkowitz: No I mean for the area that was supposed to be the town park your still doing construction in that area.

John Montagne: Right that will be our expense now, it will be entirely our expense.

Rich Berkowitz: It was your expense either way but instead of donating it to the town you are taking it for yourself.

John Montagne: Well right now it will not be a town asset though, right so if we gave it to the town it would a town park, town owned land Town Park, town property.

Rich Berkowitz: But when it was all added up it was 1.2 million

John Montagne: And that was also when you had a 70 million dollar condominium project, high-rise project.

Rich Berkowitz: It was still 1.2 million dollars right now the public benefit is \$ 721,000.00 which is a half a million dollars less than what it was originally and you're also saving a million dollars by not dredging off the area, the lagoon area.

John Montagne: That had nothing to do with public benefit.

Rich Berkowitz: I'm just saying how much money your saying by switching from apartments to condos to apartments, because you're keeping the same density which you know I'm not thrilled with and you still have the same amount of traffic which I'm not thrilled with.

John Montagne: My reply to that will be that I am an engineer and a designer of a project there are people that are developers that have put together a performance for this, when the condominium market died and the ability to sell a condominium for the kind of values you could get went away the dollar revenue that's generated from a project like this could not support that level of public benefit.

Rich Berkowitz: And I understand that it's the same, it's a different market right now and so say I bought a stock last year it went up, Friday it went down that's my gamble.

John Montagne: Again your asking me to respond to things that are not part of an engineering review or health safety review this is something that the project team has presented to the town board and the town board is looking at that public benefit I don't have an answer for you on you know the delta between the two but I do know that in over 2 years a number of people have looked at this with a number of different performers that have been done and this is where they have come down to on whether or not they can make this project feasible or not.

Rich Berkowitz: maybe it's just not feasible.

John Montagne: Well then you have a piece of property that's a very valuable piece of property that's going to go who knows its, it can't sustain itself as it is right now, I would say the town boards looking at it as potentially beneficial to the area it does have public benefits even though at level it was before and that's about the best that the applicant can offer and do right now, and so we are kind of at the hands right now of the town board and your board and to look at it and we are asking you preferably be favorable to it with all the effort that's gone in. Thank you.

Marcel Nadeau: Question I have on your road improvements, one of my concerns would be that the monies would go to this project and not to another project in town, so we would need to tie that in somehow. The other questions on the sewer, clarify a little more for me, your saying the sewer dept. will give them the option or am I understanding if not enough people they will not hook up to it?

John Montagne: No, no it has nothing to do with the number of people

Marcel Nadeau: If a person wants to tie in they could tie in?

John Montagne: The county is fine with 75 residents along this route tying in, what the county is not ok with is as we build the sewer actually putting the tap into that sewer line that they can tie into if they are not going to actually tie in, cause what happens now is you wind up with 75 maintenance issues for the county.

Marcel Nadeau: I understand I just wanted to clarify.

John Montagne: That was the only clarification the county said, was make sure if you want to tie in you've got to really tie in, you can't just say yes some day ten years from now I might tie in.

Marcel Nadeau: And that's a cost approximately of \$12,000.00 per resident?

John Montagne: No actually I don't know what that cost will be, I think on each case your going to have an issue. E-1 pumps though on 3 to \$5,000.00 depending on your distance, but if you have a house that is set way way back and septic system is on the back of that its going to be more expensive than some of these homes that are right up on the road with a line that comes out of the front of the house so its going to be on a case by case basis. The \$12,000.00 is more for what the cost for an average septic system for a 2 or 3 bedroom house is in the area. To replace a failed septic system you are looking usually at least in that \$12,000.00 range.

Marcel Nadeau: Another issue is the traffic, obviously we know on all the reports that the traffic you know wont get worse but the only way it seems like maybe the planning board can control this would be a density issue, and the less amount, lesser units would obviously help in a traffic situation, it seems like this board can't control the traffic because NYS more or less controls the main roads the only way we can possibly control it is the density of the projects. That's all I have.

Don Roberts: Anyone else?

John Higgins: As far as the road improvements the \$300,000.00 that your gonna give to the town to improve the roads as Marcel said we need to make sure its dedicated to this area but on top of that what is the actual expense to improve the roads is that \$300,00.00 gonna cover the total expense or is the town gonna have to come up with money in addition to that to improve these roads.

John Montagne: That is not a question that I can answer because it depends on what is done to the roads, and this is something we met with the highway superintendent for, we talked with him at great length about what his plans are, he was simply going to resurface Dunsbach road, we had made the suggestion that low spots and other things

along Dunsbach also be included and so we would anticipate that the monies that we had included would help do that in addition on canal road you'll notice that there is a section that he just raised and repaired and that's the kinds of improvements that this money would go towards but really it's up to him and where he wants to go and what budget he wants to look at.

John Higgins: So there is no guarantee that all the road improvements are going to be done before you start looking for your C.O.'s?

John Montagne: Well actually right now there's no, other than what he has in his mind there is no plan to compare it to, ya know I can't give you an answer on what his total plan is for roadway construction, reconstruction costs would be, all I can tell you is that we are giving him a fairly good kick start for whatever he does plan and after meeting with him and the town supervisor they felt that what we were proposing was a good contribution and would help him in his plans that's about all I can tell you.

Tom Koval: The cost of raising Canal road is separate from the \$ 315,000.00 improvement?

John Montagne: That's correct you're talking about that section? No totally independent separate funds.

Tom Koval: Yes that section?

John Montagne: No totally independent separate funds

Don Roberts: Anyone else?

Tom Ruchlicki: I would just like to the applicant to, I would just like to ask you based on what you said relative to the sewer connections for the other residents on, in that area that you would make an effort to contact them and explain that situation to them so that they understand it would be better for it to happen and why and how it was being put in rather than the way I just think.

John Montagne: We definitely want to tell everybody that it's there that it's available for them, but for example if you just put in a \$ 12,000.00 septic system into your site this summer it's unlikely that you are going to spend another 5 to 10 to tie in now you're going to wait until that system fails that's why it's important for them to know if that should happen in the future don't put in another septic system in you have the right to tie in as one of the 75 single families that are on that road, that's what we want to say in the letter. So I would encourage anyone that has an existing septic system that you know hasn't had an issue with it to seriously consider tying in now and to look at that and to at least have their existing system evaluated to see how much life is left. You know a lot of those systems were put in many many years ago with a different design standard than the health dept. requires right now and they, there's a lot of failures in systems out there and it does contribute to ground water and other contamination and if it's not managed. That's the beauty of getting them off and into the sanitary slot.

Tom Ruchlicki: Ok, thank you.

Rich Berkowitz: Have you shown this layout to Shen School Dist, EMS and Fire?

John Montagne: We have shared it with the town's fire marshal the fire dept. we have not shared it with Shenendehowa because it's the density is the same as the density from the impact statement.

Rich Berkowitz: No I'm just talking about school busses going in there.

John Montagne: No we haven't shared the school bus routing but we have done an entire fire circulation for the large fire truck and we have full movement all of the way through.

Rich Berkowitz: What did the fire chief say about the plan? About this whole outlay?

John Montagna: He was, ya know the one thing thats different on this design now is we have multiple routes through the site so its not one single drive that you had in the original one and we are maintaining the actual lane he asked us to move some hydrants around so we did, he asked us to make sure that the secondary access was a heavy duty pavement section which was agreed to in the original project and we showed him the fire trucks circulation and he was fine with that.

Rich Berkowitz: Is that true?

Richard Harris: Well I was at the meeting with Fire Chief Bill Bryans and John and there was also discussion which you addressed of improving or expanding the Boulevard entrance I think?

John Montagne: Yep

Richard Harris: There was another item but then at the last meeting I think early August I got an email I shared with you regarding his remaining concern with flooding and particularly ice jams those were, he had said in his email from August 8th that all of his other concerns were addressed like you stated but he still in his mind feels that based on his experience in the area ice jams and flooding took the flooding of the now first floor residence versus the old plan where the first floor was largely parking garages was a concern of his how he would evacuate that area in an emergency.

John Montagne: However what we did explain to him based on this, this is the first presentation that we have on the ice jamming cause this just came up, we will have another meeting with him but in the original design the area where the residents were wasn't going to be elevated it was down in the below the flood elevations, the new design elevates all of those to 2 feet above the 100 year flood, there's actually going to be a map amendment requests thats made to FEMA and that map amendment request will pull that section up out of the flood plane all together so its a different beast , its a totally different beast , we have had that conversation with him , I told him that we would show him the profile , we are just working on that profile right now with the modifications for Canal road so we'll share those things but to address your original comment, your original comments was has he seen the circulation and all of that, that he was ok with.

Rich Berkowitz: Ok, one more question, if this does go through how are you going to stage this and how are the roads going to be maintained during the construction phase?

John Montagne: As you noted in our discussions previously and its in the environmental impact statement and we've had this discussion with the highway superintendent, the very first thing we are going to do before any construction starts is we are going to video tape the routes with him, so we are going to drive all of Canal and all of Dunsbach and any construction routes that there would be.

Rich Berkowitz: Is the construction traffic going to be limited to one road in and one road out or is it going to be dispersed?

John Montagne: Well construction is actually ways and means its something that the developer would have to do if the highway superintendent indicates that he wants it to come from a different way then we will have that discussion and thats what they will have to comply with, but thats not a design issue that we design its just a condition that the board can put on the approval.

Rich Berkowitz: Ok well the only reason I'm asking is you said there is going to be a thousand truck of fill coming in there the first few months cause you raise that up about 1 to 2 feet

John Montagne: Well what we had talked about is you've got 100,000 cu yds worse case that may be coming in to this site over a three-year period so

Rich Berkowitz: Well you are going to do it all at once aren't you?

John Montagne: I don't know that you would fill the whole site in at one time, honestly I don't believe that you would do that, I think that you would do it in one phase because your gonna

Rich Berkowitz: well in the beginning you said this wasn't gonna be phased is it gonna be phased now?

John Montagne: when I talk about phasing I talk about how many building permits you are going to take at a time so you are going to continue to build all the way through but your going to build a building or two buildings at a time get the building permits go on to the next, go on to the next, go on to the next thats how it works alright and it will take a three year period to do that.

Rich Berkowitz: So you are going to bring fill in there while people are living in those apartments?

John Montagne: Yes that is correct; it's very common for subdivisions. Its not any different really than building a subdivision, the only difference here is instead of building 244 individual homes which is much more destructive you've got 22 buildings going up so once you've got your earth work done and your buildings done your building 10 units interior 10 units as opposed to 24 or 10 individual units so the impact of this project on the residents should be actually less than what you would have in a traditional single family residential subdivision.

Rich Berkowitz: except you can't fit 244 single units on there can you?

John Montagne: Say that again.

Rich Berkowitz: You can't fit 244 single units on there can you?

John Montagne: Well even if we could look at the analysis comparison is really construction traffic and that analysis.

Lyn Murphy: Could you keep your voice up, in the back they are having trouble hearing you.

John Montagne: Will do.

John Higgins: I would also like to add that most developments we deal with in this town we're not bringing in a 100,000 tons of material to fill

John Montagne: Actually I did, I don't mean to interrupt you but I did remember we didnt say a 100,000 we said 50 to 60,000 so it's a different number and that was in the cut and fill analysis.

Rich Berkowitz: You said 100,000 last time. And you just said 100 just now.

John Higgins: and you just said 100 just now.

John Montagne: Because I just kind of got caught off guard on this I apologize

John Higgins: Well whatever we don't generally get that much fill going into a development.

Rich Berkowitz: And originally you were going to take the fill from the lagoon dry that out and use that as fill so this is totally different.

John Montagne: well yes and no don't forget in the original analysis I did identify that there were actually 20 or 30,000 cu yds that would be brought off the site so we are not, you had \$ 50,000.00 of cubic yards of material that would be dredged 30 would be onsite and 20 was coming off so and again you really need to think about this you've got 365 days in a year you've got 3 years to do this, you've got trucks that run in about anywhere from 20 to 30 cu yds of material so when you take that volume its actually not a lot of trucks per day. When you take a look at the Valente quarry that's right here and you look at how many truck go by town hall it'll be a small margin of the kinds of trucks that go by here and yet largely go unnoticed so I think the perception is worse than what the reality clearly will be.

Rich Berkowitz: Except if you live there.

John Montagne: If you live there you've got more vehicles, I agree. The nice thing about this property you know is that its not right smack in the middle of the most densely populated part of the town.

Rich Berkowitz: It might work better there though.

John Montagne: What's that?

Rich Berkowitz: it might work better there though. If you are off rte 9 or off 146 you have major roads could work better in a largely populated area.

John Montagne: Stuff I hear, I hear arguments both ways, the town supervisor actually the other way so we have to listen to both sides and leave that to you to make your own decisions.

Don Roberts: Ok anyone else? Rich you have anything to add? Joe?

Richard Harris: We did recieve one email from a resident, I don't know if you want me to read it?

Don Roberts: Go ahead.

Richard Harris: Ok, let me just get it out here. From *Bill Gamble*, my main concern is with the increased traffic on the road and on the river right now it is pretty frequent to see the parking lot full and cars parked all over the road at the end of Canal and Crescent Vischer Ferry it scatters along the entire Canal road. If they eliminate the proposed park it stands to reason that more people will congregate in the existing park which is already overfilled and that coupled with increased traffic that the units will be, will create a safety issue for everyone in that area. I don't have enough experience with the cost and maintenance to understand where this leaves the state of the road and the other residents responsibility for covering the cost of it but that also raises an eyebrow. Thank you.

Don Roberts; That's it? Marcel.

Marcel Nadeau: John I just want to question again out of the 244 units what was your guesstimation of how many vehicles would be there?

John Montagne: On how many vehicles would be for that number of units, your going to have at least one unit or one vehicle per unit for a single family or a single unit, single bedroom and then you probably have 2 and no more than 2 for the 2 and the 3 bedroom units. So you've got 244 units your gonna have 1 car for the percentage that are single and then more I haven't actually added that all up for you but I would be more than happy to.

Marcel Nadeau: So we are talking 500 cars?

John Montagne: Um potentially.

Don Roberts: Ok we've got all the comments, its the task of this board once again to either make a positive or negative recommendation to the Town Board, so what's the Boards pleasure?

Margaret Sautter: Due to the density and the traffic, I give it a negative.

Don Roberts: I need a motion.

Margaret Sautter: Oh sorry.

Margaret Sautter made a motion for a Negative Recommendation for the Halfmoon Village Pdd. Rich Berkowitz seconded. Motion Carried.

Don Roberts: So just for clarification we have motion and a second for a negative recommendation to the Town Board, and I vote means your in favor of that and a Nay means your not ok, all those in favor, Margaret Sautter I, John Higgins I, Rich Berkowitz I, all those opposed Tom Koval Nay. Tom Koval opposes, other than that motion Carried.

New Business:

16.143 Coffee Shop & Restaurant Development, 1589 Rte 9 - Commercial Site Plan (Renewal)

Jason Dell: Good evening my name is Jason Dell I'm an engineer with Lansing Engineering, I'm here on behalf of the applicant for the Halfmoon Coffee Shop. The project site is situated at the intersection of route 9 and Sitterly Road , we were before the board back in September of last year and received an approval for the project , the project included the construction of a 1925 sq ft . coffee shop with a drive through as well as a 5,500 sq ft restaurant on the rear of the site. As I mentioned the planning board did grant an approval in September of last year and we are here this evening to request a re approval of the site plan. The site plan is identical to what was stamped prior, same building sizes , same parking numbers , the only thing we are here tonight for is just to request for re-approval.

Don Roberts: Thank you Jason, comments from the board?

John Higgins: Since then Speedway has taken over the gas station is there any changes to the access from the present Speedway gas station into the site?

Jason Dell: The access still remains in the same configuration as what was approved prior.

John Higgins: Ok but you still have an agreement with Speedway?

Jason Dell: The previous agreement was with Hess.

Jason Dell: Correct

John Higgins: And this is a different company now.

Jason Dell: I believe that that agreement would have transferred along to Hess because it was part of their site plan.

Marcel Nadeau: So the agreement was made or is still being litigated?

John Higgins: The agreement previously was with Hess, now Speedway owns that site and that's why I'm asking the question is now that a different owner owns the site do they have an agreement with the present owner for that access?

Marcel Nadeau: Ok but my question was did they actually get the agreement from the first approval.

Jason Dell: We do have in writing a letter from Hess.

Marcel Nadeau: I thought it was still in negotiation.

Rich Berkowitz: Well if you don't have that agreement, if you don't have the easement then a project can't go through so. Cause the site plan has changed if you don't have that agreement.

Lyn Murphy: Just to refresh everybody's recollection, if I'm recalling correctly what happened there was an actual note on the map and it expired at a certain period of time and it wasn't utilized prior to it expiring. As part of the ongoing review, when it became Speedway and through this process the town said to Speedway in order to go forward we need to insure that this access is still available at that point in time or somewhere around that time a letter was written where they said the access was still available but as was stated by the chairman it's not relevant because if they don't have it they can't proceed.

John Higgins: Yea that was the only question I had.

Marcel Nadeau made a motion to declare a negative declaration pursuant to SEQR. John Higgins seconded. Motion Approved.

Marcel Nadeau made a motion to approve Coffee Shop's application for Commercial Site Plan. John Higgins seconded. Motion Approved.

16.133 Tailored Portraits / Michael Shapiro Photography, 15 Braxton Ct. - In Home Occupation

Michael Shapiro: Hello good evening, my name is Michael Shapiro I am here before the board tonight to ask for a permit for a home occupation. It's a small photography business just myself and my wife Cara. We are basically using our home address for business purposes. When we need to photograph we usually go on location or rent an outside studio sometimes we might bring a client home. Not a lot like not a lot. That's the nature of my application.

Don Roberts: So it will just be the two of you?

Michael Shapiro: yes it's just a small family business.

Don Roberts: Ok any questions?

Rich Berkowitz: You don't have any wedding parties there or proms or anything like that?

Michael Shapiro: oh no, no, no primarily our specialty is newborn, so if anyone comes in a 10 x 10 room it's usually mothers of people.

Rich Berkowitz: ok so you see one client at a time?

Michael Shapiro: yes of course yes.

Marcel Nadeau: will there be a sign on your

Michael Shapiro: No we cannot have a sign it will just be by word of mouth or online advertisement.

Marcel Nadeau made a motion to call for a public hearing for Tailored Portraits at the September 26th meeting. Tom Ruchlicki seconded. Public hearing scheduled for September 26, 2016.

Don Roberts: Michael public hearing next meeting ok.

16.108 **Campbell Subdivision, 403 Hudson River Road - Minor Subdivision**

Tom Hansen: Hi I'm Tom Hansen I live a 405, I'm representing Diane Campbell. We are just trying to subdivide that into two lots.

Don Roberts: Questions?

John Higgins: Now this is south of the Chrome Restaurant?

Tom Hansen: yes

John Higgins: And there is another house and easement between these lots and the Chrome restaurant is that correct?

Tom Hansen: Correct, which is my property.

John Higgins: ok

Tom Hansen: Yea Chrome is right there and this is my house right here

John Higgins: ok

Lyn Murphy: Rich can you describe the purpose for the special use?

Richard Harris: Because of the zoning district its subdividing a pre-existing residential use and the lot right now has this home right here, residence of 1.73 acres so its a provision of our code a special use in the industrial zoning district when your subdividing a pre existing residential use.

Don Roberts: Thank you Rich, so that means we have to schedule a public hearing for this as well.

Tom Ruchlicki made a motion to schedule a Public Hearing for the Campbell Subdivision. Marcel Nadeau seconded. Public Hearing meeting set for September 26, 2016.

16.132 **Lands of CGM & Riberty Construction Corp., Brookwood Road - Minor Subdivision**

Lyn Murphy recused herself.

Brandon Ferguson: My name is Brandon Ferguson with Environmental Design I am here tonight representing CGM Construction with Chris Marchand. We were here previously for our concept review of a Brookwood Subdivision on this property. At this time however we are looking to do a lot line adjustment of the property there's existing 2 lots on there, 3.8 acre lot that fronts on Brookwood and a 52 acre lot that makes up the remainder of the

property. As far as this lot line adjustment we are looking to increase the size of the 3.8-acre lot to over 18 acres and decrease the size of the 52-acre lot to a little over 38 acres. This will allow our client to move forward with their further applications.

Don Roberts: That's it?

Brandon Ferguson: Yes

Don Roberts: Any questions:

Mike Ziobrowski: When we first looked at this we questioned is it anticipated to be a single phase or are you going to have 2 different phases is that the plan?

Brandon Ferguson: Right now we are still working out those details. This would allow possibly give our client more options and that kind of realm. There are two if you remember that original subdivision plan there were, there was a portion on the east side and a portion on the southwest side that were kind of not really dependent on each other so we are looking to possibly move forward with one at this time but that remains to be seen this will just kind of clear it up and allow us to make a positive move forward in that direction.

Mike Ziobrowski: Right and I think the way that we look at it right now just as far as the SWWP plan goes its not that it cant be two phases but if you were to develop a script plan it would take into a phase considerations so that you would have it so that you could do one phase at one time and it would develop like an envelope to encompass the entire property.

Brandon Ferguson: Yea that's a possibility.

John Higgins: Is it a possibility or are you agreeing that this board should anticipate that the entire site is going to be developed and that whatever provisions have to be made to meet the SWWP requirements are going to be incorporated into the design for the total piece?

Brandon Ferguson: So at this time right now we are moving forward and anticipating only a subdivision on the one parcel it would be lot 2, proposed lot 2, however there is the possibility of future development on the remainder of the parcel whether or not its a phase 1, phase 2 or if they sell it off and its being a separate owner and a separate project from another applicant thats a possibility too.

John Higgins: That doesn't make any difference even if its a separate application from a different applicant the cost of the site being one site now this board has to look at it as a total site. Joe is that correct?

Joe Romano: The question is from a SWWP standpoint?

John Higgins: Correct

Joe Romano: You have to design for the full build out.

John Higgins: Regardless of whether its one applicant doing both pieces or if they sell off the second phase to another applicant it still has, this board still has to look at it as one total project correct?

Joe Romano: No, this board can only review what the applicant is proposing at that time so in the scenario that they are talking about if they are going to develop the one side and that is the only thing that is in front of the board at this time we would review it from a SWPP standpoint in terms of what they were proposing, if they came back for a phase 2 what we would need to do is look at the cumulative impacts of the entire development.

Mike Ziobrowski: I think the way that you would have to develop is you would have to have a full SWWP plan for the entire site and you would only show, say you did the phase 1 you would only have to incorporate that portion of the SWWP at that time when you later developed the whole envelope you would increase that SWWP envelope.

Brandon Ferguson: If the issue is what we are calling phase 2 if they don't know what that is going to be

Marcel Nadeau: What if they choose never to do the phase 2?

John Higgins: I agree but all I'm saying is we need as a board to go on record now just making sure the applicant realizes that if and when he or someone else does phase 2 then at that point its going to be looked at as a complete project.

Brandon Ferguson: Yea exactly.

John Higgins: And I just want to make sure that we are clear on our record and in the minutes so that there is no question down the road if the applicant sells the phase 2 off to someone else that that applicant doesn't come in and say well I never realized that, I think we have to make sure that we are following the rules and regulations as they presently exist.

Don Roberts: So Joe what direction would you give the applicant on this?

Joe Romano: In terms of the SWWP?

Don Roberts: Yea

Joe Romano: That's really up to them in terms of what they want to build and how they want to develop their project.

Don Roberts: Again it's just that we can only review what's before us really, that's all we can do.

Joe Romano: And what we should try to avoid as a town is certain disturbance thresholds that get triggered that trigger certain improvements from a storm water management standpoint. What we need to avoid is that they stay under those certain thresholds for segments of the project and then you end up with a project with 15 acre developed and no stormwater management improvements, that's what essentially needs to be avoided with the phasing plan.

Marcel Nadeau: But at this way he would be proceeding at his own risk basically, so we are really looking at just a subdivision here.

Joe Romano: Correct, and in fact what they are proposing for what were calling phase 1 really doesn't have any town road improvements and a tremendous amount of impervious area, with the lots which likely would not trigger significant storm water requirements.

Marcel Nadeau: I think what were saying to him is it might be a little bit easier for you to do the whole thing now but you don't have to it may be more difficult for you later but that would be the applicants option is that correct? Is that the way I'm seeing it that would be his option to do it? They are presenting tonight as a subdivision.

Rich Berkowitz: It's just a minor subdivision and then if they come back before us it will be a major subdivision.

Marcel Nadeau: Again had we not known what was taking place initially we wouldn't be asking these questions.

Richard Harris: Can I just interrupt, tonight your asking for a public hearing to adjust one line to create 2 large lots, when they come back, which they will they with a development plan for just what were calling phase one, they might not call it phase 1 they might have a separate project, you get just that phase 1 for purposes of stormwater but then when and if someone ever else comes back with what were calling phase 2, then they've got to look at all of that so just tonight is just a lot adjustment they did the public hearing in 2 weeks and they approve it they can put one house on each lot and never come back here again its crazy but they can get through phase 1 and then decides Chris wants to build his mansion on phase 2 and just have a long driveway , that may not necessitate too much more SWWP and what was done for phase 1. Right now we have a pending project right here tonight that shows cull de sac with about 15 lots or so, 12 lots something like that in what were calling phase 2 but we might decide after this meeting to pull the whole project and come back with just development on phase 1 and call it something else.

Marcel Nadeau: That's what I said we are just looking at a subdivision

Richard Harris: Like Joe said your just looking at tonight to adjust one line we know though, we cant sit here blindly and say oh this is just going to be 2 houses he is going to come back and probably in the same meeting cause I have the draft plan with revisions, the same meeting as we schedule a public hearing or you don't want another meeting that shows that that phase 1 split off they want to get approval for that.

Chris Marchand: Good evening everyone my name is Chris Marchand and I just wanted to re iterate a few things that I said, I attended the first few minutes of the pre agenda meeting and Mr. Higgins I don't know if we have an answer because some points and some information was brought up tonight that may affect which route we want to go in. As Rich said tonight is just a lot line adjustment because being the fact that there is 2 separate parcels one larger piece that is essentially cut in half by the existing power lines and then a smaller piece. That smaller piece kind of just muddies the waters so to speak so we wanted to get rid of that and have two separate pieces now whether we consider 2 separate pieces a project or 2 separate entities I honestly don't know but in the interest of being forthright with everybody we feel like we wanted to focus on the smaller parcel lets say which would be east of the power lines cause that doesn't require any public road way infrastructure. The west side of the power lines the concept thats been before the board earlier, several months ago had town road and obviously the costs that are associated with that running water mains, storm water things along those lines so from an economical standpoint its much less cost per lot for the smaller piece, because its all frontage either their are lots that are going to be fronting on Brookwood road or Devitt road so I cant stand here tonight and say how we are next to proceed cause everybody's brought up some valuable information and I want to consult with EDP and say ok what do we think is the smartest way to do this , I think tonight is big picture I don't know just yet but we need to deal with the small issue of this small piece first. Baby steps.

Don Roberts: yea I think we are making this too complicated at this point really, we're ruling on what's before us here ok, right now.

Marcel Nadeau: Right, right, I think what we were doing was again knowing what was presented to us before we were kind of giving him direction, but it certainly is an option what he wants to do.

Don Roberts: But at this point here is what's before us,

Rich Berkowitz: Rich how many public hearings do we have on September 26th?

Richard Harris: You'll have 4, 2 at the last meeting, 2 tonight, this will be the fifth one.

Marcel Nadeau made a motion to schedule a Public Hearing for Lands of CGM & Riberty Const Corp. John Higgins seconded. Motion Approved.

16.140 **Daqing Zhang / Nail Salon, 1581 Route 9- Change of Tenant/Use**

Brian Sleaseman: Good evening, Brian Sleaseman from ABD Engineers I'm her to request a tenant change for 1581 route 9. The retail space at the southern building there is about 5200 sq ft it was previously occupied by elevate cycles and Daqing Zhang is proposing to lease this space to open and run a nail salon where they will offer pedicures, manicures, facials and waxing's. The first floor of the space will be for just a nail salon and the lower floor will be 3 to 4 private facial rooms which really more like booths, open faced. There will also be a break room and an office and a storage room and business hours will be Monday - Friday 9: 30am - 8:00pm and on the weekends they will be open to just 6:00pm there will be 4 full time employees and 4 part time employees and the parking requirement is similar to Elevate Cycles there doesn't seem to be any parking issues out there currently so.

Don Roberts: There are no parking issues out there I don't think.

Paul Marlow: No, we will just monitor it for future

Don Roberts: Ok is there a sign application as well or no?

Brian Sleaseman: I don't have one but

Don Roberts: Ok they will have to come the office before they put anything up, questions from the board? Can I have a motion?

Tom Koval made a motion to approve Daqing Zhang / Nail Salon Change of Use/ Tenant. Tom Ruchlicki seconded. Motion Approved.

Old Business:**15.010** **Subdivision of Linden Woods A & B(Linden Village PDD & Lands of Craver / Wright/ Hughs) , Dunsbach Road - Major Subdivision**

Donald Zee: Good evening my name is Donald Zee attorney for the applicant. Since the last time we were here we received comment letter from Clough Harbor I believe my client has responded to all the issues and I believe Mr. Romano has in fact submitted a letter saying that all the outstanding engineering issues had been addressed we have had all our application submitted to the appropriate agencies and we have received comments and we expect to have all of our necessary permits from DEC, DOH and the Army Corps. Very shortly. One of the other issues dealt with our representations with regard to the Homeowners Association and I submitted on August 23 to the town attorney as copies to Mr. Romano and Mr. Harris copies of the draft of the declaration, I believe that if there is any additional comments that the town may have we would make whatever changes are necessary. So I believe we are pretty much set in addressing all of the concerns the board had as well as your technical staff.

Don Roberts: Ok, thank you Donald. Joe, you concur with this? No outstanding issues? We are all set Paul? Ok Lyn.

Joe Romano: Yes

Paul Marlow: All set.

Lyn Murphy: I have received the copy just as he described.

Don Roberts: ok so you are all set also?

Lyn Murphy: all set

John Higgins: You said you're still waiting for approval from who?

Donald Zee: Well what happens is they wont issue the permits until this board approves it.

John Higgins: Which agency is that?

Donald Zee: That would be DEC and the Department of Health and we are just waiting for the Army Corp. permit

John Higgins: The Army Corp. has to wait for the final approval also?

Donald Zee: Yes

John Higgins: Is that correct Joe? Cause I thought the Army Corp. could give a determination ahead of time?

Joe Romano: they will give a jurisdictional letter, we know what the disturbance

Lyn Murphy: They'll map the property but they are not going to give them a permit to cross at a specific area until the plans are finalized and they know this is the area they are crossing.

John Higgins: It says that they have the approvals from the other agencies that's the only reason I asked about Army Corps.

Lyn Murphy: When they say that they mean, Fire, County, water.

John Higgins: ok Army Corps. was my only question, cause normally Army Corps. Will give a determination way ahead of time and

Donald Zee: But see right now the permit actually is in New York City ready to be signed but the person is on vacation

John Higgins: I just had a question that's all, thank you.

Rich Berkowitz made a motion to declare a negative declaration pursuant to SEQR. Marcel Nadeau seconded. Motion Approved

Rich Berkowitz made a motion to approve the Subdivision of Linden Woods A & B. Marcel Nadeau seconded. Motion Approved.

Marcel Nadeau made a motion to adjourn the Planning Board meeting at 8:38pm. John Higgins seconded. Meeting adjourned.