

Town of Halfmoon Planning Board

August 10, 2009 Minutes

Those present at the August 10, 2009 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Roberts opened the August 10, 2009 Planning Board Meeting at 7:00 pm. Mr. Robert asked the Planning Board Members if they had reviewed the July 27, 2009 Planning Board Minutes. Mr. Berkowitz made a motion to approve the July 27, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:

06.181 PH Howland Park PDD, 128 Johnson Road – Major Subdivision/PDD/GEIS

Mr. Roberts opened the Public Hearing at 7:01 pm. Mr. Roberts asked if anyone would like to have the public notice read. No one responded. Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This is an application from Leyland Development. The proposed project is for a 96-lot single-family residential subdivision. The site for this project includes approximately 150-acres. The present zoning is Howland Park Planned Development District (PDD). The Town Board approved the PDD by legislation adopted in November 2008. Tonight we are presenting the preliminary plan for this project. The project would be accessed by a proposed system of Town roads from two existing Town roads; Johnson Road and McBride Road. The single-family residential lots are depicted on the drawing in the green color and the yellow-beige color is land designated as restricted, which would be protected as a land preservation area by deed restriction. The total of protected lands on this property is close to 50%. As I mentioned, the lots would be accessed by proposed Town roads and these Town roads would be developed in accordance with Town standards. The roads would include a full system of infrastructure that would include drainage facilities. These drainage facilities would discharge into existing drainage corridors adjacent to the site and on-site. The drainage facilities would comply with Town standards and the New York State Department of Environmental Conservation (NYSDEC) standards for stormwater quality and for flood protection. There will be a gravity and pressure sewer

sanitary system which would be connected to existing facilities of the Saratoga County Sewer District (SCSD#1) located to the north of the project in an existing residential subdivision. The Town of Halfmoon will provide the water system. There will be a need to extend the Town of Halfmoon Water District and the application for the extension would be submitted to the Town Board for approval in the future after the preliminary approval is obtained from the Planning Board. The project is located in the Northern Halfmoon Geographic Environmental Impact Statement (NHGEIS) of the Town of Halfmoon and as such would be subject to the mitigation fees, which is established for this type of development in this part of the Town. The minimum lot size is 15,000 SF and the average lot size is 27,000 SF. Mr. Roberts stated for the record the Planning Board has received two letters regarding this project from residents who were unable to attend tonight's meeting; one from Mr. David Papura and the other one is from Mr. Don Carola....(see attachments below -- pages 2, 3 4 and 5)

Jeff Williams - Re: 4-way intersection @ Johnson, Staniak and proposed development Rd.

Page 1

From: [REDACTED]
To: <jwilliams@townofhalfmoon.org>, <lzepko@townofhalfmoon.org>
Date: 8/9/2009 6:47:43 PM
Subject: Re: 4-way intersection @ Johnson, Staniak and proposed development Rd.

Hi Jeff/Lindsay,

Thank you for your time on Friday discussing the plans with me. I apologize for not being able to make the meeting, I would like to be there. The only concern I have is the safety of the pedestrians traveling Johnson Rd. either by foot, biking or any other means. The traffic is a steady pace of fast from the beginning of April when the golf course opens (Fairways of Halfmoon), until the close of it in the fall. During this period, most traffic has NO respect for the pedestrians on this road, this also includes the farm traffic on which this new development will be built. This fast paced traffic is almost year round at this point, but does become greater during the summer months as people from outside our area visit with out respect to our speed limits.

It is of my professional opinion, NYSDOT career of 20 years, that the addition of 96 new homes on the Ciepiela farm will bring about a fatality that will prompt the installation of a four-way stop at the proposed intersection of Johnson, Staniak and the new road into the development. The town must take action on this, prior to any sales of homes in this proposed development to protect itself from lawsuit.

This is no longer a country road used by local farmers and the few people who once lived here quietly. This road has been changed for ever. It has been noted by the developer himself, along with the town highway supervisor, and the town board people in removing the site distance obstacle from Staniak Rd. to McBride Rd. as necessary steps to avoid issues with vehicles traveling east on Johnson Rd. as they approach McBride Rd.

Please take the necessary steps to see that a four way stop is placed at this new intersection, rather than let the traffic gain speed as they crest the blind spot passing my house (121 Johnson Rd.). This blind spot was never addressed, and the addition of 96+ cars will provide the fuel for disaster.

I can provide any other information you would like as a professional.

Thank you for your consideration of this matter,

David W. Papura
121 Johnson Rd.
Mechanicville, NY 12118

CC: [REDACTED]

60 McBride Road
Mechanicville, NY 12118
August 5, 2009

Planning Board
Town of Halfmoon
Halfmoon, NY 12065

RECEIVED
AUG 06 2009

**TOWN OF HALFMOON
PLANNING DEPARTMENT**

Dear Chairperson,

I am writing on behalf of my family in regards to the public hearing on the Howland Park Planned Development. I regret that I could not attend due to prior obligations. I would ask that you submit this letter to public record and that the board will reply to my concerns in regard to this project. I request that you take our concerns seriously and look for ways to mitigate the issues for the safety of our family and for the safety of residents using McBride Road.

Our first concern is the number of vehicles that would be use McBride road as a short cut to the main road. Recently, Halfmoon failed in getting the speed on this road reduced. There are (4) 90 degree turns on this road. This inspires the Mario Andretti's of the world to travel this road at a high rate of speed. Recently we lost one of our Guinea hens which roam the property. While the birds tend to be suicidal in their meandering, I'm just glad it's one of them and not a walker or one of my daughters. I ask that you continue to pressure DOT for speed reduction. I ask that you request more frequent patrols by the Sheriff to act as a deterrent. I also ask that you look into establishing a restriction on heavy trucks, especially during the construction phase. I realize that you cannot arbitrarily place restrictions unless you determine that this road is a danger. I state that the very nature of the road, with so many hairpin turns, is a danger to pedestrians, animals and others traveling the road. Please keep in mind we have a Church, Soccer fields and baseball fields, all attracting large amount of families with children.

Our second concern is the bike path that will be 70 feet from our bedroom windows. Currently no one has rights to be behind our house. Once this path is built, everyone in the Capitol District will have the right to be behind my house. I will not tolerate this and will do my best to stop this effort. In addition the proposed bike path traverses directly through wetlands. I would like to know the answers to the following questions:

- 1). Who owns the bike path?
- 2). Who is liable when injuries occur on this path?
- 3). How will the injured be rescued?
- 4). What police agency is patrolling this bike path?
- 5). Who will maintain this path, clipping, cutting, and removing debris?
- 6). How many people do we need to hire to maintain the paths that are created?
- 7). Can the bike path be placed somewhere else on the property?
- 8). Has the Army Corp of Engineers approved the bike path through wetlands?

- 9). Why is the Cary/User road bike path so over grown with weeds? Why is the tall grass not pushed back? Why do weeds growing up through and on the bridge that exits onto Ushers?
- 10). Why do I never see any people on the Cary road bike path? Whether it's on my way home or off towards Clifton Park I never see anyone on it.
- 11). How late can people be on this proposed path? Can someone be on it at night? If so what is the curfew?
- 12). How many people are actually using the bike paths in the town to justify their existence and taxpayer' expense?
- 13). Is there a master plan for bike paths in the town of Halfmoon?
- 14). What steps will be taken to insure the safety of my windmill, my property and my family?
- 15). How will you mitigate the impact of humans/coyote confrontation? That area has a pond where animals gather and I hear almost every night a large pack of coyote's hunting. How will you protect or mitigate the impact on the animals that are calling this ever shrinking area home?

Attached is a copy of a local article where a person pleaded guilty for a RAPE on a bike path. How long before these articles start to appear in our town? I would like to remind the board at the last meeting on this project, of how I told the board of my duties at work to write a database query that matched prisoner release records to those that owed DNA samples. This was to help locate the **Bike Path Killer** in Buffalo. I'm not interested in writing a query for a Halfmoon resident especially for my family. My house is recessed far back from the road for a reason. A bike path would give criminals the access they need to rob my house or worse. I also have a windmill that could be a target for some child on the path with a slingshot or strong arm.

I will do what ever it takes to protect my family from this criminal highway. It is a menace to my family and property. I will not tolerate it being near my home. I ask that you find some other spot on this 130 + acre land to place your desired bike path. There are other routes that the path could take, keeping traffic away from my home. I would like to note that the path ends with no connection. A dead end where young people will "hang". How can you approve a bike path that leads no where? Who would use the bike path, when they have the development roads? I think the town gouging developer to carve your bike path, under the disguise of community benefits should not occur. The addition of 95 homes paying thousands of dollars in taxes a year is enough of a community benefit. I believe we should widen our roads for bike lanes, even DMV recognize the bike's right to be on the road.

We appreciate your consideration and I await your response.

Respectfully yours

CC: Mundy
Planning Board members.



Don Carola

Cohoes man admits rape on bike path

JOE GARDINER
writer

COHOES — One week before trial was to begin, a Cohoes man admitted Monday he raped a woman on a Troy bike path.

Stephen M. Pluff, 25, of 103 Atario St., appeared before Judge Andrew Ceresia and pleaded guilty to first-degree rape for the Aug. 30, 2008, crime. He will be sentenced to 20 years in prison



PLUFF

and 20 years post-release supervision.

"I was riding my bike on the path and attacked a lady who was on a bike," Pluff told Ceresia. "I knocked her off

her bike."

"Then did you forcibly rape the

victim?" Ceresia asked. "Yup," Pluff said.

Pluff, who has a previous sexual-related felony conviction, faced trial Aug. 3 on five felony counts for tying up and raping the 36-year-old Brunswick woman on the Troy bike path just south of 102nd Street at about 2 p.m. that day.

Investigators have said they were aided by the fact that Pluff

left his red, white and blue 20-inch mountain-style bike and some of his clothes behind at the scene.

After the attack, the woman was able to free herself and ran to police.

At the time of the crime, Pluff was on probation in Rensselaer County for an incident in Troy in which he was arrested for forcible touching, police said.

- 8-1-2009

Section B

Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:09 pm. Mrs. Murphy stated the following: I can provide a summary of the correspondence from Mr. Papura and Mr. Carola. The letter from Mr. Carola expressed grave concerns with regards to a trail being located in the rear of his property. There isn't actually a trail that is going to be located there, however, there is an easement for rights for a future trail. Mr. Zdrahal stated the following: The project proposes a possible future multi-use Town trail. The applicant for this would provide the right-of-way and would provide all the approvals, design and permitting. However, the trail would not be constructed by this project. Mrs. Murphy stated the following: The summary of the other letter from Mr. Papura was in regards to a concern based on an increase in traffic and a request for a four-way stop sign at the proposed intersection of Johnson and Staniak and the new road with the development. Both of these letters are available and are part of the public record so anyone can come in and read them at their leisure. Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the public hearing at 7:09 pm. Mr. Nadeau asked are you going to do a bridge there on lot #85 where the creek runs through? Mr. Zdrahal stated we are proposing a fairly large box cover. Mr. Nadeau stated okay because it does flood in that area. Mr. Berkowitz asked what is the time frame for the road improvements? Mr. Zdrahal stated the following: Based on where the existing utilities are located, the phasing of the project will start in the northeast corner and will continue in a westerly direction. So this will most likely be in the last phase of the project. Mr. Berkowitz asked so in the last phase of the project is when you will begin the improvements to Johnson Road? Mr. Zdrahal asked are you referring to the public benefit part of the project. Mr. Berkowitz stated yes. Mr. Zdrahal stated I believe it is legislated that it should be done in the beginning but I am not sure. Mr. Nadeau asked Mr. Zdrahal to explain the road improvement at the grading for the sight distance off of McBride road. Mr. Zdrahal stated the following: One of the problems that were identified during the review of the project was the sight distance just before the intersection of Johnson Road and McBride Road. There is an existing hump in Johnson Road that creates a sight problem. We will shave down the hump area to provide adequate sight distance at that intersection. Mr. Berkowitz asked have you determined how many phases you would have for this project? Mr. Zdrahal stated we have determined the phases as they relate to the Stormwater Pollution Prevention Plan (SWPPP) which identifies the phases not to exceed 5-acres. I believe there are 7 phases altogether. Mr. Berkowitz asked would that be 7 phases for building? Mr. Zdrahal stated for the development of the site there could be 5 or 6 phases but I am not sure. Mr. Ruchlicki asked did you decide to do that in that manner because it was related to the stormwater. Mr. Zdrahal stated the SWPPP document identifies the sequence of the project development in such a way that each phase would not have more than 5-acres disturbed. Mrs. Zepko stated their permit for stormwater only allows to open 5-acres of construction at a time without stabilizing it. They can only open 5-acres to work on and they have to have that stabilized before disturbing the next 5-acres. Mr. Ouimet asked Mr. Bianchino if all of CHA's comments had been addressed. Mr. Bianchino stated the following: We went through the preliminary plans in detail and the technical comments have been addressed with the exception of 2 minor things. We have asked Mr. Zdrahal to look at lot grading which is a little bit more than what we normally ask for at the Planning Board level. A couple of the lots are in the area where the westerly connection to Johnson Road is, which Mr. Zdrahal agreed to do. Mr. Zdrahal stated I believe the other thing that CHA asked us to do was that we had to provide the legal description for the water district extension. Mr. Bianchino stated which we would do during the preliminary/final. Mr. Higgins stated a lot of the brown area that is going to be owned by the Homeowner's Association (HOA) has different parcel numbers on it such as; parcel A and a parcel C and asked was that given different numbers just for convenience? Mr. Zdrahal stated I believe it was just for conveyance of the title. Mr. Higgins asked are there going to be separate titles on each of those pieces? Mr. Zdrahal stated the following: It basically would be parcels of record on the tax rolls. For instance; parcel C

would be shown as parcel C on the tax rolls and this parcel would be owned by the HOA for Howland Park. Mr. Higgins asked Mrs. Murphy is that how they want it set up because what if for some reason they stop paying taxes on the one of the parcels? Mrs. Murphy stated the following: They have that stormwater retention that offers separate parcels so that they can do an easement. The bigger parcels that you're seeing that are going to be owned by the HOA there is a reverts clause in the HOA language itself that if the homeowner's fail to pay their dues, then the homeowner's dues actually becomes a tax lien on the homeowner's property. So the concern that the HOA as an entity would fail to pay the taxes is very little. If they don't have an active HOA, we associate each parcel with a lot so it wouldn't just be abandoned. But in this case because of the language contained in the HOA we are okay. Mr. Higgins stated the following: I have a problem with the T-intersection because Mr. Zdrahal said those improvements are not going to be made until the very last phase. The traffic going through that area is already fair heavy and the two letters we received both express concerns with traffic. I don't understand why if you are doing road improvements you couldn't also, and I agree the road is going to be dead ended there, but at least you could still make the improvements to try and make that a little bit less of a concern. Mr. Zdrahal stated logistically as far as the infrastructure, which goes in there; the water main and so on, it makes it easier to construct. Mr. Higgins asked don't you have to tie-in the water main over to Cary Road and isn't that part of the project? Mr. Zdrahal stated yes that is part of the project. Mr. Higgins asked would that be at the beginning of the project or at the end of the project? Mr. Zdrahal stated it would be at the end of the project because the water main would be extended from the existing water main on Johnson Road then would loop through the site and would connect to the Cary Road water main. Mr. Higgins asked is Mr. Frank Tironi, Director of the Halfmoon Water Department, okay with that phasing? Mrs. Murphy stated yes. Mr. Nadeau asked Mr. Bianchino what is the staging area with Wolf Run, which is adjacent to Staniak Road, because it is similar to Smith Road when you come on Farm to Market Road. Is a vehicle going to be able to place itself at a 90-degree angle at that point or are they going to have to look over their shoulder coming from the east? Mr. Bianchino stated on this map it appears that Wolf Run comes into Johnson Road across from Staniak Road at less than a 90-degree angle. Mr. Nadeau stated correct and that is an issue on Smith Road when you come on to Farm to Market Road, which is a serious issue and I am wondering how much of an angle is that because it appears to look similar to Smith Road. Mr. Zdrahal stated the following: Certainly it is not an angle that the subdivision regulations would not allow. It is just a little bit more of an angle than Staniak Road and Johnson Road. In my opinion it is a pretty reasonable angle to negotiate at the intersection. Mr. Bianchino stated the subdivision regulations do have a range, it is preferred to be 90 degrees, but there is a range and this does meet the range. Also what we do in a situation like this is to make sure that they widen the pavement.

Mr. Berkowitz made a motion to grant preliminary approval for the applicant to seek NYSDEC, NYSDOH and SCSD#1 review/comment. Mr. Ouimet seconded. Motion carried.

New Business:

09.066 NB Glen Meadows Planned Development District, 130 Upper Newtown Road – Major Subdivision

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: This application proposes to subdivide a portion of a 176-acre parcel of land. The purpose of this subdivision is to essentially formalize the boundary of a residential Planned Development District (PDD) that was approved by the Town Board last month. As part of that approval the Town had asked us to go ahead and subdivide the portion of the property out of the overall 176-acres that was studied as part of the PDD. If you remember when we studied this site there was the McDonald Creek along with a fairly substantial ravine area that physically separated that portion of the site from the rest of the parcel that

we were developing. So we never intended to make that part of the PDD. We were just going to leave it as per its existing zoning. So I think to really clean it up and to begin the detailed plans at this point we would like to get that other parcel off the 176-acres and essentially attach it to additional lands that Mr. Abele owns that has current frontage on Betts Lane. That parcel is about 125-acres so we would be adding another 27-acres to it and it would then make that overall parcel 152-acres. Again, as part of this application, there is no construction at this time or no proposed building lots. This is really just a formality to get this parcel ready for a detailed review. Over the next couple of months we'll be submitting the detailed plans.

Mr. Higgins made a motion to set a public hearing for the August 24, 2009 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

09.067 NB Maui PlayCare Recreational Center, 1705 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Ouimet recused himself from this item. Mr. Bruce Tanski, the applicant, stated the following: I am representing Maui PlayCare. Basically it is a new concept to the area and hopefully the literature I provided is self-explanatory. They plan to have maybe 18 to 21 kids after a 3-year period. Everybody is background checked and basically it is a glorified babysitting service. Traffic should not be an issue because they drop the kids off and then they pick them up. Mr. Nadeau asked where do the kids get dropped off and picked up? Mr. Tanski stated the following: It is the store directly behind Snyder's. They plan to occupy approximately 3,200 SF. People would pull into a parking space in the parking lot and would bring the kids inside and it is a secure area. Mr. Berkowitz asked what happens if they are there for over 3 hours if one of the parents are late? Mr. Tanski stated the following: The parents are notified by cell phone, if they don't have a cell phone or some type of a number where they can be reached, they would be issued a pager from Maui PlayCare. In the event of an emergency situation, they would be able to reach the parent. Mr. Berkowitz asked what happens if they are over the 2-3/4 hour time limit. Mr. Tanski stated the following: Really there is not a time limit. You can keep them there from 2 hours to 8/10 hours. They are open from 8:00 am until 8:00 pm Monday through Friday, Saturday and Sunday. Mr. Berkowitz stated but if they are there over 3 hours they run into State Day Care Guidelines. Mr. Tanski stated not according to my information because it is not a day care center. Mr. Berkowitz stated the New York State Law allows a maximum of 3 hours for a child to spend at their location for the non-certified. Mr. Tanski stated then after that, I don't know what they would do. Mr. Nadeau asked who is the applicant. Mr. Tanski stated Mr. Steve Tokos and Mr. Tokos is the one that is buying the franchise for his daughter Tina who is a 26-year-old schoolteacher who has been certified by the State of New York. Mr. Tokos is a very well respected trainer and consultant to the Saratoga Racing Industry. Mr. Nadeau stated this is a gray area and how do we control that? Mrs. Murphy stated the following: The issue becomes the licensing through New York State and if they run afoul of the New York State Licensing Laws, they need to deal with New York State. There is a series of case law that has been passed by the courts and all the way up to the Court of Appeals that says that this Board can't say we won't allow you based on another Board's decision making. You can't rescind your authority to another Board that you think might have a problem. That's not to say that New York State won't come in and tell them they can't do this, but this Board can't either take the powers of a New York State Board or defer their own powers to a New York State Board. In essence it is not your problem. You have made them aware of it and they know what the limitations are. Mr. Tanski stated it is my understanding that they have already been to the State and they have their blessings. Mr. Roberts stated the following: There is a sign application which is a 2 FT x 8 FT internally lit sign that conforms to the rest of the plaza signage. I have looked at that and it meets the Town's requirements.

Mr. Berkowitz made a motion to approve the change of tenant application for Maui PlayCare Recreational Center. Mr. Ruchlicki seconded. Motion carried.

Mr. Berkowitz made a motion to approve the sign application for Maui PlayCare Recreational Center. Mr. Higgins seconded. Motion carried.

09.069 NB Veeco, 5 & 13 Corporate Drive – Change of Tenant

Mr. Luigi Palleschi, of ABD Engineering, stated the following: I am here tonight for a change in tenant for 5 and 13 Corporate Drive. The former company, Daystar, has been bought out and purchased by another company called Veeco. The name is the only change here. The intent is for Veeco to come in and maintain the same operations as Daystar did. They are a solar technology company that provides foil for storage data. I am not too familiar of what exactly they produce but they're basically doing the same thing. The hours of operation will not change and they will have the same number of employees as Daystar. Our request is for a change of tenant for a name change from Daystar to Veeco. Mr. Higgins asked if they would be changing their signage. Mr. Roberts stated the following: No sign application was submitted. If you would like to have a sign you must come back to the Board with a sign application. Mr. Palleschi stated okay.

Mr. Nadeau made a motion to approve the change of tenant application for Veeco. Mr. Higgins seconded. Motion carried.

Old Business:

09.025 OB Falcon Trace of Halfmoon, Fellows Road – Multi-Family PDD

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Falcon Trace of Halfmoon Planned Development District (PDD). We are in a step in the process where we are seeking a public informational meeting with the Planning Board. The overall project is approximately 53.3-acres. The northern parcel is approximately 29.65-acres and is currently zoned Commercial (C-1). The southern parcel is approximately 23.65-acres and is zoned Agricultural-Residential (A-R). The applicant is proposing senior housing, luxury apartments and two commercial lots. The senior housing would consist of 123-units and a congregant living building would have another 33-units up in the northeast corner. The luxury apartments would be located on the southern portion are proposed for 132-units. There would be 2 commercial lots; one on the southern portion and one on the northern portion. Both of the commercial lots would be proposed for potential future development and site plans for those commercial lots at a different time. The project would have public water; public sewer and stormwater would be managed on-site. Since the last time the Board saw the project we have received comments from CHA. They had about 6 comments and the first one in relative to jurisdictional determination of the Army Corp. of Engineers (ACOE) wetlands and we are in pursuit of that and we do have a New York State Department of Environmental Conservation (NYSDEC) jurisdictional determination and we are waiting for the ACOE jurisdictional determination. An archeological investigation was also requested and we have performed a Phase I archeological investigation of the site. There was a small site found on the southern portion of the project and this is something that we cannot avoid and it would be something that we would advance to a Phase II investigation of that area and that would be mitigated. A Traffic Impact Study was also requested and that is something that was prepared by Creighton-Manning and it has been submitted to CHA for their review and to the Board as well. We also have had some informal meetings with the applicant of this project and the applicants of other adjacent projects to talk about cumulative impacts of traffic in the area along the Route 236 and Route 146 corridor and the applicant is committed to work with the Planning Board and the other applicants of the projects in the area for mitigation of that corridor.

Other comments were relative to coordinating with the energy providers and emergency services. We are in the process of coordinating with those agencies to get any comments that they may have. Lastly was relative to parking on the site. Initially we had proposed 1.25 spaces per senior housing dwelling units and CHA had recommended that we have enough space on-site to park 2 cars per unit. CHA did feel that it was appropriate to bank spaces so that we were physically building 1.5 spaces per unit and that is something that we have demonstrated on the most current plan. Again, we are here tonight to request the Board's consideration to set a public informational meeting. Mr. Ouimet asked was there any discussion about re-aligning the lower exit to match up to the Town Park. Mr. Lansing stated the following: There actually was and the rendering is a little bit older as we did not have time to render up the black line drawing but we have tried to align that closer. I think we have the actual physical location and it is something that we are working on with the traffic engineers and the Town. Mr. Roberts asked so will you be doing that then? Mr. Lansing stated it is either going to line up or it is going to be of a distance enough where it is safe enough where there is enough of an offset between the two intersections. Mr. Bianchino stated we will work with the New York State Department of Transportation (NYSDOT) on what they prefer because obviously it is their curb cut permit. Mr. Higgins stated 8 of the landed bank spaces are actually within the 100 FT buffer for the wetlands. Mr. Lansing stated the following: Actually this wetland does not meet the criteria for a NYSDEC wetland. Area wise it does not meet the thresholds for NYSDEC wetlands. So this is something where the NYSDEC is not applying a 100 FT buffer to that wetland and it is something we have supplied correspondence to the Planning Department. Mr. Higgins stated the following: Also, I would be interested in hearing from the emergency people as far as the 24 FT access going back to the 2-story senior independent living facility because it seems very narrow. If there is a lot of snow in the winter or if you have an accident there, I know it is a private road and I know that they are going to maintain it but I just have concerns about the fact that people may not be able to get by. Mr. Lansing stated we will coordinate with them and there are 33 units in the back and we feel that the roadway would be wide enough and of the correct geometry that emergency service vehicles could get back there and turn around as well. Mr. Roberts asked Mr. Williams and Mrs. Zepko if the emergency people had been contacted yet? Mr. Williams stated we asked the applicant to provide them with the maps and also CHA's last comment letter stated that they needed information on the emergency services to complete there State Environment Quality Review Act (SEQRA) review. Mrs. Murphy asked Mr. Lansing if they had contacted the emergency services? Mr. Lansing stated no we have not yet. Mr. Roberts asked will the emergency services be contacted about the public informational meeting? Mrs. Murphy stated the applicant should be sending them a copy of the maps prior to public informational meeting. It is our understanding that we get the maps, emergency services are also getting the maps and if that is not occurring, then that needs to be corrected. Mr. Lansing stated okay. Mr. Higgins asked is the traffic study in process of being developed or is it already been done? Mr. Lansing stated the traffic study has already been submitted to CHA for their review. Mr. Roberts asked who did the traffic study. Mr. Lansing stated Creighton-Manning. Mr. Nadeau asked regarding the upper portion and asked if they had an idea in which direction that traffic is going to go because I am concerned with Fellows Road coming out onto Route 236 and again the same concern; how much of an angle is that onto Route 236? Mr. Lansing stated I do not have the trip distributions from the traffic study with me. Mr. Nadeau asked if the traffic was going to go behind New Country and access that way? Mr. Lansing stated I would imagine for the shorter distance and then go directly out to Route 236. Mr. Nadeau stated I think we need to look at that angle again to see what that turns out to be. Mr. Higgins asked for the improvements are you only making improvements from the entrance to the facility down to Route 236 on Fellows? Mr. Lansing stated yes. Mr. Tanski, the applicant, stated the following: I think it is more than that because we had a meeting last week with some of the developers that were involved in that whole area and there is a traffic study that I think is going to be done by CHA which

would determine exactly what improvements have to be made. So, I think for us to say that we're only going to do Fellows Road is premature at this point. We will probably end up doing quite a bit more than just that but we won't know until CHA comes back with some recommendations. Mr. Higgins stated I think if we do in fact get a traffic light at the end of Upper Newtown Road I think a lot of the traffic would go that way to access out to the traffic light rather than trying to go the other way. Mr. Ouimet asked do we have enough information to have a public informational meeting yet or do we still have too many unanswered questions? Mr. Bianchino stated the following: I am always a proponent of seeing if there are any other public issues that may arise. So, to me I like the idea of a public informational meeting at this point because we do have the preliminary, we have the traffic study, we have gone a couple of rounds with Planning Board and with our reviews where they have addressed our comments and things have been tweaked. Maybe it is a good time to now say okay we think we have this to a point where at least we can answer some questions for the public and we would like to hear if there are any things that may come out of the workout that we will know of. My personal feeling is this is a good time to have a public informational meeting to see if anything else comes out and then we won't run into the position where we have to make a determination at a point where there are other things in the works. Mr. Ouimet stated the following: The only thing that gives me pause is the lack of involvement with the emergency services. I think the public has a right to know if there are issues with emergency services at the public informational meeting. Mr. Tanski stated I can hand deliver that to emergency services tomorrow and if I do, they will have 2 weeks to respond and hopefully if there are any concerns, they can be present at the public informational meeting. Mr. Roberts stated I would hope that they would be here myself. Mr. Nadeau stated I think that would be good only because if they have some issues; at least at the public informational meeting they can present those issues. Mr. Williams stated the one thing that I would like the Board to know is that all the emergency services receive our agendas and our topics so they do have that information prior to our meetings. Mr. Roberts stated while they are not officially notified of the public informational meeting, they get information from the Planning Department to make them aware of it. Mrs. Zepko stated our application states when the applicant initially makes application to the Planning Board, the applicant also needs to send copies of the plans and application to the fire department. Mrs. Murphy stated that should be something we should be verifying clearly because I have a gut feeling that this isn't the first time that something hasn't been sent to the emergency services. Mr. Roberts asked Mr. Tanski if he would be submitting the plans to the emergency services tomorrow. Mr. Tanski stated absolutely. Mr. Roberts asked is that okay with the Board. The Board stated that was okay.

Mr. Ouimet made a motion to set a public informational meeting for the August 24, 2009 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 10, 2009 Planning Board Meeting at 7:43 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary