

Town of Halfmoon Planning Board

December 8, 2008 Minutes

Those present at the December 8, 2008 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak
Paul Hotaling

CHA Representative: Mike Bianchino

Mr. Watts opened the December 8, 2008 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 24, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the November 24, 2008 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Ouimet abstained due to his absence from the November 24, 2008 Planning Board Meeting.

Public Hearing:

08.107 PH Arlington Heights Pump Station, Saville Row – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Joe Dannible, of Environmental Design Partnership, stated the following: I am here tonight representing Legacy Builders in their application for a minor 2-lot subdivision to accommodate a pump station to be dedicated to the Saratoga County Sewer District #1. The pump station in question has been installed to service the existing Arlington Heights PDD that is currently under construction. The pump station, a fence around it, improvements for a roadway and an access way to that pump station are already constructed. In order for the pump station to be accepted by the SCSD#1 it needs to be on its own parcel. What we are proposing is a 75 FT x 70 FT parcel that will only be used for this pump station's use by the SCSD#1 in the future. This application was in front of the Board last month at which time the Board set tonight's public hearing and there were no issues

at that time. Mr. Watts asked if any one from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Higgins asked if the remaining lands around the pump station would belong to the Homeowner's Association (HOA) and would this land be maintained by the HOA? Mr. Dannible stated the land around the pump station would belong to the HOA and would be maintained by the HOA, there would be a future road that would be servicing a second phase of Arlington Height and the PDD that is currently pending within the Town.

Mr. Higgins made a motion to approve the Arlington Heights Pump Station minor subdivision application. Mr. Berkowitz seconded. Motion carried.

New Business:

08.113 NB German Auto Parts.com, 10 Corporate Drive – Change of Tenant

Mr. Mark Davison, the applicant, stated the following: I am here tonight for a change of tenant application. We are currently located in the Town of Halfmoon at 9 Solar Drive and we are purchasing a building at 10 Corporate Drive. We would essentially be doing the exact same thing we are doing now just in a larger facility. Mr. Watts asked Mr. Davison their hours of operation. Mr. Davison stated our office hours are 7:00 am until 6:00 pm Monday through Friday and our warehouse hours are 8:00 am to 6:00 pm. Mr. Watts asked for more information on what they do at German Auto Parts.com. Mr. Davison stated we are basically a mail order supplier of parts for German and some Swedish cars but we stick with original equipment rather than accessories. Mr. Roberts asked if they would have any outside storage at this site. Mr. Davison stated there would be no outside storage. Mr. Higgins stated you are almost doubling the space that you presently have. Mr. Davison stated actually a little bit more than double the area. Mr. Higgins asked if they anticipate a lot of people coming to the site to pick-up parts because it says 2% and I am wondering with that big of a building would that 2% increase. Mr. Davison stated the following: I don't know if that would increase over time. The pick-ups that we currently have are just people who happen to be in the local area and don't want to wait to have it shipped. Currently it is about 3 to 4 pick-ups per day and that hasn't changed a lot over the last 3 or 4 years since we have been in Halfmoon. We are definitely out of warehouse space and this is why we are looking at the bigger building and we are also short on office space. I would venture that pick-ups may increase a little bit over time but it is tough to say. We are not looking to have a retail store or retail location. Mr. Higgins asked if there would be sufficient parking. Mr. Davison stated I think we would have 37 parking spaces and we have 14 employees. Mr. Ouimet asked if they would store any hazardous materials. Mr. Davison stated the following: No, there are no hazardous materials. I think motor oil would be the only chemical that we have but that really isn't considered a HAZMAT. Mr. Higgins asked how about tires? Mr. Davison stated no tires. Mr. Ouimet asked how much motor oil they stored. Mr. Davison stated we probably stock between 100 to 200 liters, which is about 25 to 50 gallons. Mr. Higgins asked are you required by the State to accept oil for recycling being that you sell oil? Mr. Davison stated I don't believe so because we don't do any service or installation. Mr. Ouimet asked do you have an adequate fire extinguishing system? Mr. Davison stated there is a sprinkler system in the building.

Mr. Berkowitz made a motion to approve the change of tenant application for German Auto Parts.com. Mr. Nadeau seconded. Motion carried.

08.114 NB Architectural Glass & Mirror, 11 Solar Drive – Addition to Site Plan

Ms. Stefanie Bitter, of Hershberg & Hershberg, stated the following: I am here for the applicant together with Mr. Bill Mafrici from Hershberg & Hershberg. Mr. Mark Haverly is in the audience as well as Mr. Jay Hopeck. As you will recall we received site plan approval for the new building for Architectural Glass & Mirror (AGM), which is located immediately behind the building that they are occupying at this time on Solar Drive. The building was for a 30,000 SF 2-story construction. 20,000 SF is going to be occupied by AGM and a future tenant will occupy 10,000 SF of space. Our request is for the modification to the site plan to include a dumpster pad in the southwest corner of the site. This project is well underway and we are hoping to finalize everything by February. With the inclusion of this dumpster pad, the site plan required the relocation of 3 parking spaces. Fortunately we were able to make modifications on the site without changing the parking calculation. We found those 3 parking spaces from 3 parking spaces that we had banked and we reintroduced 3 parking spaces in the corner for the banked parking spaces that we already had with the original approval. Mr. Ouimet stated you stated that you are going to have 3 dumpsters plus a portable device to remove scrap metal and asked for a further explanation on this proposal. Mr. Mafrici stated what we are showing is two 6-yard dumpsters, a transformer pad and a 30-yard roll-off dumpster. Mr. Ouimet asked how many of the dumpsters would be covered. Mr. Mafrici stated the 6-yard dumpsters typically have a foldout and the 30-yard dumpster typically gets covered when they get picked-up and hauled away. Mr. Ouimet asked would it be conceivable that the dumpster would be sitting on the pad uncovered? Mr. Mafrici stated it could be opened, yes. Mr. Ouimet stated I understand the pad is located on top of an existing catch basin. Mr. Mafrici stated yes, the pad would be within the existing catch basin. Mr. Ouimet stated could you please explain to me what you mean by "within the existing catch basin". Mr. Mafrici stated the catch basin would be within the proposed pad. Mr. Ouimet asked would the dumpster be located over the catch basin? Mr. Mafrici stated the following: It is off to the side but initially it was planned to be on the edge of the pavement to catch the drainage coming off the lip of the pavement. So, it is on the edge of the concrete pad. Mr. Ouimet stated the following: My concern is whatever is in those dumpsters could leach into the catch basin in the inclement weather that we frequently have. Do you know exactly what would be stored in those dumpsters? Mr. Mafrici stated I was told the material in the dumpster would be typical office trash, with recyclable material such as cardboard, glass and metal. Mr. Higgins stated in the write-up it said construction. Mr. Mark Haverly, owner, stated the following: It is not foodstuff; it is stuff from the office. It would be more supplies such as wood, glass and heavy material and not stuff that goes bad. Mr. Higgins asked was this material that you bring from other sites so you could have lead paint and everything else on some of these windows. Mr. Haverly stated that is not the stuff that we bring back. Mr. Higgins stated if you have no control over what buildings you work on, what the Board has concerns about is in the rain and snow and everything else that would leach out through the dumpsters because there is no way to contain the water in there and it goes right into the run-off. Mr. Haverly stated the following: Most of our stuff I would say is on-site and we have dumpsters on site that gets thrown out. This is just stuff that accumulates in our shop over time. This is scrap stuff that we have that just gets thrown out and there is a lot of glass in it. Mr. Ouimet asked if there was a regular pick-up schedule for the dumpsters. Mr. Haverly stated the following: When the dumpster is full, they come to pick it up. I would say every couple of months we fill it up. Mr. Ouimet stated the following: If the dumpster is going to sit out there for a couple of months, you can see what our concern is if the rain or the snow or whatever comes and causes whatever is in that dumpster to leach out into the water that runs

off the impervious pavement into the catch basin. There is no control of what is there and there is no control of what you put in that dumpster. Do you have a cover over the dumpster? Mr. Haverly stated not during the day so we can throw stuff out but we could cover it night. Mr. Ouimet asked if there was a roof over the pad, which would cover all 4 of the dumpsters. Mr. Haverly stated no, not at present. Mr. Ouimet asked if they had considered putting a roof over the dumpsters. Mr. Haverly stated not until now. Mr. Watts asked where the dumpster was going to be before. Mr. Haverly stated the following: We didn't really have a spot. I guess we overlooked it and that was the best spot we could find. Mr. Watts asked Mr. Haverly to point out on the plans where the dumpster is proposed to be located. Mr. Haverly showed the Board the location on the plans. Mr. Watts asked what is the property immediately adjacent to that. Mr. Haverly stated Crew Road and the vacant Lands of Johnson. Mr. Watts asked how this area was zoned. Mr. Williams stated it is all C-1 Commercial. Mr. Watts stated I know it wasn't mentioned in the presentation, but what are you going to do to screen that site. Ms. Bitter stated right now it is proposed as a 6 FT stockade fence, which would surround the border of the pad. Mr. Berkowitz asked how tall the dumpsters were. Mr. Higgins stated the 30 yard dumpster is about 6 FT tall. Mr. Berkowitz asked if the fence could be higher. Mr. Haverly stated yes it could be. Mr. Ouimet stated the following: The purpose of the screening is to keep whatever is in the dumpster not visible to people passing by and if you stack up the debris inside the dumpster until it is full it is probably going to hang over the top. If the dumpster is as high as your fence, it is likely that it would be seen and I think you should consider a higher fence. Mr. Berkowitz asked have you considered getting smaller dumpsters with more frequent pick-ups? Mr. Haverly stated no, we haven't considered that but when the dumpsters get to about three-quarters full, we will have them emptied. Mr. Higgins asked is there a total of 3 dumpsters and a metal trailer? Mr. Haverly stated we have the trailer inside and the trailer is about 7 FT x 10 FT and there are only 3 dumpsters. Mr. Higgins asked what the change was in the greenspace when you changed those 3 parking spaces. Mr. Mafrici stated we had an area where the dumpster was added and 3 parking spaces. Approximately 150 SF was added and the percentage of greenspace was listed at 23 percent plus or minus. Mr. Watts asked if they were also moving a door. Mr. Mafrici stated an overhead door was put in along with a man door and the 2 loading area doors were shifted slightly to coordinate with the partition for the future tenant. Mr. Ruchlicki questioned what the white spot was in the lower left hand corner of that structure that appears to be in the middle of the parking lot. Mr. Mafrici stated it is a grassed island and there was no change in that area. Mr. Higgins asked if there was any other area to put the dumpsters that isn't over the drainage or can you relocate the drainage or does that have to be there to work properly? Mr. Bianchino stated there are 4 options: we could either request that lids be placed on the dumpsters, which would be the simplest and least expensive solution, we could ask them to re-grade the parking lot so that it pitches away from the catch basin, we could ask them to relocate the dumpster location or we could deny the application. Mr. Mafrici stated the following: As it is now everything has been paved with the top coarse and the entire storm systems is in aside from the stabled mulch on the exposed are. The parking striping and curbing as it is shown on the plan that was approved. I don't know whether that would be possible because we made this high point and flat point on the building side for the handicap spot. The other portion of the site was more than 2 percent on the paved area which doesn't make it conforming to a handicap spot so that is one of the reasons why we chose that center high point. Mr. Watts asked Mr. Bianchino if he has had an opportunity to review this and asked if this was all submitted before these changes were made. Mr. Bianchino stated I spoke with Mr. Williams and we did go through the changes. Mr. Williams stated we were checking to see if this was a significant change or a

minor change and we determined that it was a significant change and it needed to be brought back to the Board for consideration. Mr. Watts stated so there were changes made to the approved site plan without Planning Board approval. Mr. Williams stated one of our Code Enforcement Officers notified me that there were changes to the site plan and after a review of those changes we requested AGM to come back to the Board for the modifications they made to the site plan. Mr. Mafrici stated we needed the location of a dumpster pad and before we did this we came to the Town's Building Department and asked if we could put it in another location and they suggested that we come back before the Planning Board and request a modification to the site plan approval. Mr. Watts asked what about the movement of the doors. Mr. Mafrici stated I am not quite sure how that all came in because that was part of the building permit application and I wasn't privy to that. Mr. Nadeau asked if they were loading the dumpster with a bucket loader or are you just throwing things into it. Mr. Haverly stated both. Mr. Nadeau stated because I am thinking the Town's transfer recycling station has a 30-yard unit and I believe they have a cover on it and why couldn't you get a cover for it. Mr. Bianchino stated there are a few possible solutions; (1) is to place a roof over the dumpster area, (2) place covers over the individual dumpsters and (3) move the location of the catch basin. Mr. Mafrici stated we would agree to covers on the dumpsters and an 8 FT screening fence. Mr. Higgins stated for clarification; you saying that the two 6-yards are no big deal because those are just plastic covers and asked if they were going to cover a 30-yard dumpster every night with a canvas cover. Mr. Nadeau stated they have covers on them similar to the plastic covers. Mr. Higgins stated I have never seen a 30-yard with a cover. Mr. Polak asked if they had retractable covers. Mr. Nadeau stated I am not sure but I am thinking about the kind they have at the Town's recycling station and that is why I asked if they are using a bucket loader or physically throwing things in. Mr. Higgins stated I think Mr. Nadeau is thinking about the glass or the plastic and that kind of stuff and I have never seen one of those for construction type debris and I think their dumpster is totally different from what the Board is thinking about. Mr. Haverly stated it is a regular 30-yard dumpster. Mr. Higgins stated the only way that you are going to be able to cover that is to build a cover similar to what the Town has at our recycling center where the dumpster actually physically sits in it and there are doors and you dump into the dumpster and when they come and take it they open a big garage door and pull it out or you would have to make some type of pole barn where it covers it and they can still get the dumpster out. Mrs. Zepko stated maybe the applicant should be given time to provide solutions for the coverage of the dumpster containers. Mr. Watts stated the following: This should give the applicant an opportunity to think about what we said and the reason we are concerned about all this is (1) the visible aspects but (2) the possible contamination. The applicant can look at what they can do and they can get back to us with what their plans are.

This item was tabled for the applicant to look into types of dumpsters or other methods to alleviate the concern of pollutants entering the stormwater catch basin that exists in the proposed dumpster location.

Old Business:

07.101 OB

**Glen Meadows PDD, 130 Upper Newtown Road – Major Subdivision/
PDD**

Mr. Joe Dannible, of Environmental Design Partnership, stated the following: I am here tonight representing Abele Builders in their application for the Glen Meadows Planned Development District (PDD). Mr. Chris Abele of Abele Builders and Mr. Pat Kenneally and Mr. Casey Knapp of Greenman Pedersen Inc. (GPI), the traffic engineers who have performed the traffic study, are

also here with me tonight. We are here tonight to provide the Board with an update as to the status of this project. We were before the Board last October and since that time we have been going through a extensive review with CHA in order to address various site issues including traffic, slope stability, archeology, and State Environment Quality Review (SEQR) related issues. At tonight's meeting we feel we have addressed a majority of these comments and we would like to get a consensus from the Board that these comments have been addressed and if that is the case, we would like to proceed to a public hearing on this project. Since the last time the Board has seen this project we have hired Mr. Daniel Loukes, a geotechnical engineer, to study the on-site soils and the existing slopes leading down into the ravines from the site. Mr. Loucks came back with a line of safe slope setback from the top of the ravine. If you look at the map, it is indicated by a yellow line that wraps around the parameter of the site. We then made some revisions to the original plans and relocated some of sites. One of the more significant changes that resulted from that was the removal of the long cul-de-sac that came down to the southern peninsula of the site. That was taken out of the site plan and now this area is reserved for some quality open space. Another SEQR related item was the archeology. The applicant has been working ARCH TECH and they have completed a Phase I (1A & 1B) and a Phase II report. They are currently working with the Office of Parks & Recreation and commencing with a Phase III that will be completed in 2009. With most recent letter from CHA it is our understanding that the completion of this report is not required in order to have the determination of significance on this project. Also, regarding SEQR; in April of 2008 the application was sent out to the various agencies for coordinated review, as this is a type 1 action. To the best of my knowledge we don't have any new comments from any of those involved agencies at this time. We have been working with the adjacent landowner who is developing the Swatling Falls PDD and we are providing a cross access connection into their most recent design. As we know this is not the final design and the roadway that we are showing now is conceptual and will be approved further on in a mutually agreed upon location for the that cross access connection. The applicants for both Swatling Falls and Glen Meadows PDD have been working with GPI on a traffic study and report that has provided various recommendations to the adjacent intersections; mostly at the intersection of Route 146 and Upper Newtown Road. The following are significant changes to the plan since the last time this was seen by this Board: The project has been reduced in the density from 150 lots to 140 lots at this time. What we have done in response to a CHA comment related to the segregation of the property into two developable land areas. We have removed the 27-acre plus or minus parcel located at the westerly side of the property that has roughly 6-acres of developable land. That area of land is to be removed from the PDD and now we are only requesting a zoning change on the remaining parcel of land. The net result was a loss of 10-units based upon the density computations for slopes in excess of 15 percent and wetlands. Other design changes: The cul-de-sac that extended down into the lower peninsula area has been removed. We have also increased the diversification of the units on site by incorporating some 2 and 3-unit townhomes into the development. We believe this gives the project a much better marketability as well. By going to the 2 and 3-unit buildings we would reinstate and preserve the pocket park that was originally proposed within the application, which we feel is a very site amenity that contributes to the character of this development. Highlights of the overall design: The project proposes 15.5-acres of quality open space. The quality open space consists of a 300 FT setback from the right-of-way above Upper Newtown Road. Within that area we are proposing landscape buffers, a creative stormwater management design, various landscape berms, project signage and a circular roundabout that accesses the site. The site will have a boulevard entrance with lanes wide enough on both

sides to provide 2-way traffic in the event of emergency where one of the lanes would have to be closed off. Also within the quality open space is a 3-acre recreational field, the 1.7-acre pocket park, which is saving one of the large existing groves of mature vegetation on-site and an additional 4 to 5-acres of land at the rear of the site that would be used with trails and be set-up with somewhat of a passive park like setting along the tops of those slopes. The unit breakdown as it exists on the current plan: There are 64 single-family homes, 38 twin home units and then we have 8 double units and 30 triple units. Mr. Pat Kenneally, of GPI, stated the following: As Mr. Dannible mentioned, we did a traffic impact study for this project. This has been submitted to the Board and reviewed and we have responded to all the comments that were made. I would like to point out that we did the study for 150-units and I know that we are down to 140-units. We didn't update the study for the reduction in the number of units. There would be slightly less traffic than was discussed in the report. The traffic impact study focused on the intersection of Routes 4 & 32 and Upper Newtown Road. We looked at the site driveway itself and Upper Newtown Road and then the Route 146 intersection with Upper Newtown Road. The site driveway intersection and the Routes 4 & 32 intersections both worked fine. Obviously there is a lot of traffic on Route 146 and we did see some operational problems at that intersection. The existing level of service at that intersection in the morning has a level of service "D" and in the pm peek there is a level of service "E". If you look at that revised report, even the 2009 no-build, you are getting into a level of service "F". In response to one of the comments in the last review, all of the traffic that is going to be generated by Swatling Falls has been included in all of our studies. All of the traffic work that we looked at for this project includes Swatling Falls. To address that projected level of service "F" at the Route 146/Upper Newtown Road intersection, we talked about a couple of different thing in the report. The easiest thing to do would be to signalize that intersection. We have pointed out in the report that you shouldn't look at that intersection as a stand-alone isolated intersection because you do have one other existing signal and another proposed signal. You should really be looking at this corridor, which is something that is outside the scope of a single project. We just wanted to point out that really a bigger picture look is needed through there rather than just put 3 traffic signals within a mile, which would work because they would not cue up into each other. The 3 signals would work but you might want to take a slightly different look at it. We recommend in the traffic signal warrants analysis report we recommend is that that warrant analysis be performed when about 130-units are built. That is 130-units combined between Swatling Falls and Glen Meadows. At that point traffic patterns would be established and we would have a good feel of for where people are going and what times they are going and it will be a more realistic look at it. To go out and do warrants analyses now and then try to make projections and talk about putting a signal in now doesn't really make sense. Both developers are committed to splitting the cost of that traffic signal. I know there is a lot of developable land in this area and I am sure there is going to be a lot of other developers coming in here and somehow the other developers should participate in this also. I don't know how the Board would like to work that out. Somehow a contribution based on the number of approved units or something like that would be my recommendation. The only other comment that we received is that the study should be sent to the NYSDOT and we did submit a copy of the study has been sent to the NYSDOT but we have not heard back from them. Mr. Watts asked how long ago was that report sent to the NYSDOT? Mr. Kenneally stated the following: I think it was sent last week. We have addressed all the comments that we received CHA and that is where we stand at this time. Mr. Nadeau stated the following: Mr. Kenneally mentioned that traffic signal is not warranted at this point and asked if he is saying that the Town needed to monitor it as we go along? Are you saying it could be triggering a light or it could not? Mr. Kenneally stated

the following: What we are recommending is that you wait and do the warrants analysis after the two developments are partially built at about 130-units. That way you would have a much better feel rather than guessing. Mr. Nadeau asked if the traffic analysis was a guess of what is going to happen. Mr. Kenneally stated the following: We could predict that there is going to be so many vehicles generated by this development and they are all going to work in a certain area and commute a certain way at a certain time. That is the way we do traffic studies. In this particular area you already have one signal committed to go in north of there and another signal south of there, I really think you should wait and make sure that the traffic patterns and the trip generation is what we are predicting before you put a third signal in a one-mile stretch on Route 146. Mr. Watts asked Mr. Bianchino if Route 146 was a State road and the determination of the signals and warrants is a NYSDOT role. Mr. Bianchino stated the following: Yes. At this point the threshold for a signal is not triggered at that intersection. Like the Sheldon Hills development the traffic study states that at approximately 130-units being built out a light may be warranted at that intersection. Keep in mind that there are 2 projects that are impacting this intersection and both developments would need to be monitored during construction to determine when and if a light is warranted. Mr. Berkowitz stated isn't this the same thing we heard at Sheldon Hills and now we can't get light at Sheldon Hills? Mr. Bianchino stated the signal is still not warranted. Mr. Berkowitz asked even though all the people in Sheldon Hills are complaining about it. Mr. Bianchino stated the following: From a number standpoint that is what the NYSDOT looks at. Is the signal warranted? No. Mr. Berkowitz stated I know they look at numbers but we look at lifestyles. Mr. Watts stated the following: That is the dilemma that we face with the NYSDOT and I am not being critical with them at all. If people had their way, there would be a traffic light at every intersection on Route 9. People who have traffic difficulties believe that a traffic signal is needed. I believe that's why for State roads at least, the NYSDOT makes that review and determination. A lot of it doesn't come within our purview. I know the Town Board has made recommendations based upon concerns of residents with the latest being Sheldon Hills but we get it everywhere. We can support it and your studies can support it but the ball is in the hands of the NYSDOT's at that location. I just wanted to affirm that for the record. Mr. Higgins asked what is the present classification for the level of service at the Upper Newtown Road and Route 146 intersection? Mr. Kenneally stated it is a level of service "D" in the am and a level of service "E" in the pm. Mr. Higgins stated so it is going from a level of service "D" and "E" to an "F" and an "F". Mr. Kenneally state that is correct. Mr. Watts asked Mr. Bianchino if there were other traffic improvements that the NYSDOT might want or that we have recommended? Mr. Kenneally stated the following: In a 2009 no build it is going to a level of service "F". With or without Glen Meadows our report shows a 2009 no build just with normal traffic growth and I think we have included in our 2009 no build we've included Swatling Falls but it is very close right now. Mr. Watts asked Mr. Kenneally to give the definition for a level of service "F". Mr. Kenneally stated the following: The level of service is based on seconds of delay, which means the average seconds of delay that a vehicle sits at the light. The level of service "D" that you have in the am peak right now is about 27 seconds of delay on average. The level of service "E" is at about 39 seconds and then once you get over 50 seconds it goes to a level of service "F". There are 15-second intervals. Mr. Watts asked what is the mitigation to get it better. Mr. Kenneally stated the following: A traffic signal is what would improve it. In this situation you got 2 through movements on Route 146 so there not impeded in any way but the people on Upper Newtown Road that are waiting for gaps in traffic are the ones that are experiencing the delay. All up and down Route 146 there are driveways and uncontrolled access points all over the place and that is what people on Route 146 experience as they try to get in and out. Mr.

Higgins asked if there was a possibility of turn lanes there to allow people making right turns to stack differently? Mr. Watts stated the following: I don't know how far out these projects are but the predictions of funding for the NYSDOT, County and Town projects has changed drastically in the last 2 weeks. There will be a large amount of Federal funds made available for various public works projects. I am on the Capital District Transportation Planning Committee and we are now asking for ways to get projects up and running. I don't know what impact that has on all of these things but we were always stuck in Halfmoon particularly with the State roads with no improvements and we were also stuck with the County where they have not been big on spending money. If it is a Town road then we have certain concerns. A general philosophical point of view of what we thought was terrible in the past for traffic might in the next couple of years be made better. Mr. Nadeau asked how many units there were in the Swatling Falls project? Mr. Bianchino stated 105-units. Mr. Polak stated the following: These projects are not going to be the main factor of the traffic on Route 146. There is a lot of traffic coming from Mechanicville and Stillwater that also use Route 146. Mr. Watts stated yes Route 146 is busy and there is a whole run of non-infrastructure improvements over the years. Mr. Kenneally stated I think the 2 projects combined are going to put probably about 30 cars onto Upper Newtown Road at that Route 146 intersection in the pm peak hours. They're really not the problem and they're not the majority in there. It is just a heavy through volume that you are trying to get out into. Mr. Nadeau state the following: Mr. Kenneally said there would be about 30 cars and realistically you are talking about 100 houses in Swatling Falls and 140 in Glen Meadows. Roughly there would be 2 cars per household for a total of 500 vehicles coming in and out at some point and in a lot of cases there could be 3 cars. Mr. Kenneally stated right but they don't all travel during the peak hour. Mr. Berkowitz asked what is the reasoning for going to a PDD instead of conventional besides more lots? Mr. Chris Abele, of Abele Builders, stated the following: With Sheldon Hills the PDD allowed us to do a more creative land plan and it allowed us to incorporate a lot of the GEIS directives even though it is not a GEIS area. We wanted a multitude of different products. Marketability wise it gives you the flexibility to create a community with a roundabout, extensive landscaping, the pocket park and we want to do a trail system. Basically it gives you the flexibility to create an innovated community like we did at Sheldon Hills. Mr. Berkowitz asked what is the proposed public benefit? Mr. Abele stated the following: The public benefit is going to be determined at the Town Board level. I have had preliminary discussions but I am fully prepared to take direction and come up with something that I think would be beneficial to the community. Mr. Higgins asked what the size of an average lot for the single-family homes. Mr. Abele stated the following: I think the single-family are about 75 FT x 120 FT, so that would be probably 10,000 to 12,000 SF. My goal is for smaller homes on smaller lots that is a definite trend. I have seen this in a lot of the communities that I have looked at. What I propose to do is that I want to increase my landscape budget at the same time so that I can create a beautiful streetscape and create privacy at the same time. With the single-family homes I want to do a product that probably would be in the average 1,500 SF with a home that would probably be somewhere around 40 to 45 FT wide but a little bit deeper and increase the landscaping. From a single-family market, that seems to be where the market is. There is a very good market for the townhouses and the twin homes. In Sheldon Hills we have similar type products and we are selling basically every product. Mr. Higgins asked what the average single-family home lot was in Sheldon Hills. Mr. Abele stated the following: I think the lots are a little bit bigger for the single-family homes in Sheldon Hills but the product type at Sheldon Hills the home are a little bit more wider instead of deeper. For Glen Meadows I want to do a little bit more narrow home but a little bit deeper. There is a community in the area that has a product like that and it has been very successful

and it is what I think would typify the market that I am seeking. Mr. Roberts asked who is going to maintain the pocket park and the trail system? Mr. Abele stated the following: There will be an Homeowner's Association (HOA). The HOA will be similar to Sheldon Hills but it won't be to the extent of Sheldon Hills because we will not have clubhouse or tennis courts. What we will have is the extensive landscaping; a pocket park of some sort, a trail system and the HOA will maintain all of that. The individual homes will probably have the option of a maintenance plan but we really haven't figured that out. I'm am very willing to work with the Town if the Town wants to put a public trail through the property to connect to other Town trails. That is probably going to be one of my discussions in the PDD approval process. Mr. Roberts asked so will the trail system would be constructed according to Town specifications? Mr. Abele stated the following: What we will probably have is definitely a private trail system. Over and above that if I get directives that the Town wants a Town owned trail system, then yes I would agree to do that and I would agree to do that to the Town's specifications as we did in Sheldon Hills. Mr. Watts stated yes, we have to do that because in one of our other projects the trails were not built very well and the residents are not happy and this is an on-going issue of how they were constructed. Mr. Higgins asked so your feel is that slightly larger lots with the same size houses won't sell as well? Mr. Abele stated the following: Yes it is and that is my professional opinion based on a lot of research and a lot of travel and just being in the business. The market that we are going to seek to go for is not a typical family type home. We seek to go to more of an empty nest product but not exclusively. What I am finding is that that demographic prefers a smaller home with upgraded features. A living area in an average of 1,500 SF but very decent amenities and a lot of money spent for the curb appeal. We would do the upgrade garage doors like we are doing at Sheldon Hills. We would try to incorporate masonry and really put a lot of effort on the curb appeal. Mr. Higgins stated you are really not even allowing room for pools or anything else in the backyards. Mr. Dannible stated there is enough room in all of these single-family homes for a pool and there would also be enough room for a patio area as well. Mr. Higgins stated from what we have seen in some of the other developments where they went with the smaller lots and smaller footprints where people are trying to put additions on and they are building right out to the maximum. Mr. Abele stated that is a legitimate question and I do think that this demographic is not going to go that way and I mean that it is not a guarantee but that could be in the HOA documents that a pool could be prohibited. Mr. Watts stated or you could have deed restrictions to the HOA. Mr. Abele stated you would be limiting your market slightly but again, based on experience that is not a big concern of mine. If this project was targeted for your single-family with 2 to 3 kids, that is definitely a different situation. Mr. Watts stated the following: I think Mr. Higgin's brings up a good thought in that we have had some places with weak HOA's or other products. If your demographics are showing you that that is what you want, then probably people who move in there won't want their neighbor having a pool anyway. There is a market for those kinds of things and if you tell them they can't have a pool or you can't put a sunroom on or whatever be it through deed restrictions or the HOA so be it and the people can make their choice at that time. We are certainly more cognizant in the Town of late of people doing things just because they wanted to and you just don't do that. We do have Building Inspectors that question things the people want to do. Mr. Berkowitz asked if the price of the homes were comparable to Sheldon Hills? Mr. Abele stated the following: I would say slightly less. I can only project things based on certain assumptions but I would say being that we don't have the high expense of a clubhouse or the tennis courts I can see the prices being a little bit lower. We do intend to do a very extensive private trail system because we are finding that is the most desired amenity in Sheldon Hills. Mr. Berkowitz asked if the trail system would be private or public. Mr. Abele

stated both but we definitely want to do a private system that the HOA pays and maintains but a trail system is a tremendous asset and it is the number one amenity in communities. We do have an extensive area on the slope where we can do a lot of trail systems. Mr. Higgins stated I am looking at this proposal and I really don't have a problem with too much as far as the blend but I really think it is too dense for this site and this is my own personal opinion. Mr. Nadeau stated I agree with Mr. Higgins because this proposal appears to have a lot of houses in a small area. Mr. Roberts stated I agree with Mr. Higgins and Mr. Nadeau as well. Mr. Ouimet stated the following: I agree with my fellow Board members and I also have a concern about the traffic study. We know we are facing intersections with a level of service "F" and at some point in time we are going to have to bite the bullet but I don't know when and how. Mr. Nadeau stated one way to offset the traffic somewhat is by density and that is the only way we can control it because we have no control over the NYSDOT. Mr. Ouimet stated unfortunately I think that is only a temporary fix and that is probably not the right answer to control it by density. Mr. Watts stated the following: Everybody has said the same things and the people that move in start complaining, which Mr. Abele is well aware of the complaints within Sheldon Hills. At this point we can have you go back and think about what we have said and come back to our next meeting in January. We will have to schedule a public informational meeting at some point as it would be important to the public to know if there were going to be 140-units or a 130-units. If the Board so chooses, we can schedule a public informational meeting. Mr. Roberts stated I think the applicant should take another look at it. Mr. Nadeau stated the applicant has heard our concerns and we know we will have traffic questioning at the public informational meeting. Mr. Abele stated the following: With respect to the density, I fully appreciate that and I am hearing what the Board is saying but I want to note a couple of things. With more units there could be more fees that could mitigate traffic improvements and if you want, trust me when I tell you this, when you are dealing with a project and when you are dealing with every financial aspect of it, if you go into a project with what is a satisfactory dense project, when it comes to do "A", "B" or "C", then you will pick "A" all the time. I fully appreciate what the Board is saying but a certain density will allow me to do the extensive landscaping, to do the extensive trail system, to do the Town trail system, to do the park and to do the right things. I understand it is a very difficult issue and I will take the Board's lead and if the Board wants to give me direction tonight as to where I should go, I will definitely take that. Mr. Watts stated the following: I think we have given you some concerns about density and we understand the maximization of sale and profit and all of the above. No matter what the fees are you can't fix the roads to make everybody happy and you can't make everybody happy all the time.

This item was tabled for the applicant to respond to the Board's concerns with density and traffic.

08.051 OB Loomis Subdivision, 114 & 116 Harris Road/81 & 83 Lape Road – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: With me tonight is Ms. Melanie Osterhout, Professional Engineer with M.J. Engineering. M.J. Engineering prepared the letter comparing the traffic that the Board requested. I will briefly go over the questions that were raised at the last meeting. At the last meeting Mrs. Murphy raised the issue of whether there may have been a deed restriction on this property. I have reviewed the deed and there does not appear to be one. Hopefully that addresses that item. The other question that came up was for the design of the sewer connection to the existing Saratoga

County Sewer District #1 (SCSD#1) sewer lines. The question was raised as to whether we had room enough to get the gravity sewer line down from this project into those lines given the existing utilities in the right-of-way of Harris Road. National Grid and the Town of Halfmoon Water Department have marked the gas main and the water main. The subsequent design that was prepared by Lansing Engineering that was submitted does indicate that that can be done. It did require the addition of 2 manholes to work around those existing utilities and I believe that there is one section of the proposed pipe that has to be upgraded because of a vertical separation question. Those are all regular engineering issues that are dealt with in the design. I believe CHA did review the design. A comment was made that a lane closure detail would have to be submitted prior to stamping of the plans and that would need to be prepared for the Saratoga County DPW permit that would be a requirement that they would have because of the work in close proximity to the travel lanes. Also we were asked to take a look at the trip generation comparing 4 single-family homes and the proposal that could possibly be built with 1 single-family home and 3 duplex buildings. In peak hour generation the duplexes did not generate any increase not even 1 full vehicle in either entering, exiting or total for the peak AM or peak PM hours. I think it is mostly based on the types of occupants of single-family homes verses the duplex units and their travel habits. Those are the questions that I recall that the Board asked us to address before coming back and I hope that we have answered those questions. Mr. Higgins asked Mr. Bianchino regarding the utilities in the right-of-way if there was any way being that it is so complex and that there are so many utilities on that one side; is there any way that they could run their line on the other side of the road and then come back across? Mr. Bianchino stated as I recall there are utilities on both sides. Mr. Higgins stated I happened to go this site the other day and there seemed to be an awful lot of flags for the present utilities on that side of the road and as I had mentioned in the previously meeting it is going to be a little bit of a trick to get everything in there. Mr. VanGuilder stated all of those flags have been located for the engineer to incorporate into his design and I believe Mr. Bianchino has taken a look at that and found that and found the design acceptable. Mr. Nadeau asked if they knew what the separation was supposed to be from the lines? Mr. VanGuilder stated the following: From water and sewer it is 10 FT horizontal or 18-inch vertical separation where they cross each other and the typical method if a vertical separation cannot be met then the sewer line is upgraded in the strength of the line to prevent failure in the future. I believe that is what Lansing Engineering incorporated into the design was a heavier pipe in those areas where the separation could not be met. Mr. Nadeau stated so under your review right now, you are saying that line will work in there. Mr. VanGuilder stated yes. Mrs. Murphy stated I think Mr. Bianchino's only comment was to make sure that the NYSDOH is in fact signed off with regards to the plan proposed by the applicant prior to stamping. Mr. Higgins stated the following: Also it was brought up regarding some of the neighbors there and the amount of landscaping that they had done on their properties. Obviously there is an extensive amount of work that has to be done and I realize that there is going to be interruptions in that area but I think whatever they can possibly do to make sure that that property gets returned to the condition it is now because it definitely is a nice visibility going through there. Mr. VanGuilder stated following: The attorney would gladly put a note on the plan that all conditions need to be restored to the condition that they are currently in or better. Mr. Watts stated yes, there was a neighbor in the area that had done some extensive work and spoke at the public informational meeting. Mr. VanGuilder stated it appears that all the plantings are outside of the right-of-way and all of that would be restored. Mr. Higgins asked Mr. VanGuilder if the applicant was planning 3 duplexes on the other 3 lots. Mr. VanGuilder stated the applicant still has the mindset that he would like to restore the existing house even though it has been

determined that the home is structurally poor and if that home is rebuilt it would be a single-family home but as far as I know it is the applicant's intension as far as we know to build duplexes on 2 of the lots. Mr. VanGuilder stated I will make sure the proper notes are on the plans. Mr. Watts stated and we have the issue of subdivision duplexes. Mr. Roberts stated we should make this clear that we have no control over duplexes being built where a lot meets the minimum lot requirements for a duplex. Mrs. Murphy stated the motion for approval should be made contingent upon NYSDOH approval, a note on the plan that the surrounding land will be replaced with original conditions or better and all the interruptions would be managed on Harris Road during the installation of the utilities prior to stamping.

Mr. Berkowitz made a motion to approve the Loomis minor subdivision contingent on a note being placed on the plan stating the original condition of the area will be restored to its existing condition after the placement of utilities, a sign-off from NYSDOH on the utility crossings and a Traffic Maintenance and Protection Plan is submitted with the stamped plans. Mr. Ruchlicki seconded. Motion carried.

08.060 OB Donati Subdivision, 172 Anthony Road – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: The applicant wishes to combine two existing lots, one with a single-family residence on it and the other lot is vacant. Once combined the lots form a 14.31-acre parcel. The Lands of Donati are located on the southwesterly side of Anthony Road. The applicant's are proposing to subdivide the 14.31-acre parcel into 5 lots. Lot #1 would be a 1.28-acre parcel with the existing single-family residence on it. Lot #2 would have approximately 340 FT of frontage the majority of which is DEC wetlands. Lot #3, 4, and 5 are proposed as flaglots each with a 24.5 FT strip leading to the parcels. The applicant is proposing a shared ingress/egress for access to all four of the new proposed homes. The applicant originally brought a four-lot subdivision in for a conceptual review to the Planning Department that showed irregular lot lines. At the June 14, 2008 Planning Board meeting, the Board reviewed a conventional subdivision showing 4 new lots (with one flaglot). Notes have been added to the plan that the driveway would be built to specification and a professional engineer would certify that after the driveway is built it could support a 50,000 lb. vehicle. Turnarounds would be located within 100 FT of the structures and would allow a 30 FT long vehicle to turnaround. Another thing that we have incorporated in the past is to make the driveway entrances off the common driveway so that emergency vehicles can turnaround there. We have also incorporated a turnout along the driveway where if there was an emergency they could use this 60 FT long portion so that 2 vehicles could stack in that area. There is public water available to all the lots, each lot would have individual septic systems and all the lots have been perc tested and all have acceptable percolation grades. Lot #4 would have an alternate designed system based on the test bits and there is plenty of room to build the alternate design system. Mr. Nadeau asked if Lot #2, which is quite a large lot, is all wetlands in the rear or just what is marked off. Mr. VanGuilder stated there are wetland inclusions and islands and we would be fine with no further subdivision of this lot. Mr. Higgins stated I think at one time Mr. VanGuilder had said that there was going to be a note on the plans. Mr. VanGuilder stated I would make sure that the note is added to the plans. Mr. Williams stated the following: I would like to mention that all the lots do meet the lot requirements for single-family and 2-family home. I know the style here would be a duplex with a shared driveway on some of them and I feel that this seems to be very dense to build all duplexes on a multiple flaglot. Mr. Higgins stated the following: I know we talked about the duplexes using a common driveway and everything else. I was not aware that the applicant

was looking at building duplexes for these lots. In my opinion this should have been brought up when we initially started talking about a common driveway for this many houses. Mr. VanGuilder stated the following: I think the reason Mr. Williams' brought this up is because these lots meet the requirements for a duplex. I don't believe that the Donati's have any intentions to build duplexes on these lots. Mr. Watts stated the following: We just went through this with a previous subdivision that you just worked on. The way we can clarify that is that we are going to schedule a public hearing. For the public hearing if the Donati's agree to not building duplexes on these lots and that is stated at the public hearing. This should be mentioned at the public hearing so the public understands what they want to do and not what their current intentions are and we could put a note on the plan that we sign. Mrs. Murphy stated for the Board's edification, this may be one of those circumstances because you are allowing an increase in the number of flaglots along this shared driveway, that you could say you are limiting the number of duplexes or prohibiting duplexes. This would have to be on the map and the map would have to be filed by the County for it to be enforceable.

Mr. Roberts made a motion to set a public hearing for the January 12, 2009 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the December 8, 2008 Planning Board Meeting at 8:26 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary