

Town of Halfmoon Planning Board

January 22, 2007 Minutes

Those present at the January 22, 2007 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: Mindy Wormuth
Walt Polak

CHA Representative: Bob Lockwood

Mr. Watts opened the January 22, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the January 8, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the January 8, 2007 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Public Informational Meeting:

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

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts 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: The applicant for this project is Leyland Development. The project is proposed on 149.1-acres of land located on Johnson Road and McBride Road. There would be 92 residential lots as a Planned Development District (PDD). Lots 1-67 would be 15,000 SF and lots 68-92 would be conventional lots of 20,000 SF or more. The project would have 86.5-acres of open space. There would be 2 accesses; one access off of Johnson Road and one access off of McBride Road. We are following the guidelines of the Northern Halfmoon GEIS where we would preserve a certain degree of the rural character of this area. The development would be served by existing utilities that are available in the vicinity of the project. The water main would be extended along Johnson Road and the sanitary sewer would

be connected in the area of an existing subdivision. The applicant is proposing a public benefit of \$1,000 per lot for the Town to use at their discretion. Also, we would be constructing a public trail, which would begin from Johnson Road and continue to the A & M Sports Complex property. Mr. Watts asked if anyone from the Public wished to speak. Mr. David Papura, 121 Johnson Road, stated the following: I have questions as to where the water from all the developed houses would go in terms of parcels "K" or "J". Also, where would the stormwater drainage flow from all of the houses from lots 61-83 and the water runoff from lots 21-26? Mr. Zdrahal stated the following: The project would have stormwater management, which would comply with Town and State standards. There would be stormwater management detention areas for parcels "H", "I", "K", "J", "L" and "M". All of those parcels have proposed stormwater management facilities, which would provide water quality control. Mr. Papura asked where the water would end up. Mr. Zdrahal stated the water would end up in existing drainage areas. Mr. Papura asked how much of the stormwater from this development would enter into the existing creek and culvert as currently we have a water problem with the existing culvert at the creek at the bottom of the hill on Johnson Road. Mr. Zdrahal stated I would have to check with the Highway Superintendent because as far as I know the culvert was repaired not too long ago. Mr. Papura stated the following: The culvert was repaired before all the water from another development blasted us out. Would the stormwater flow to the creek, toward McBride Road or over into the Fairways of Halfmoon? Mr. Zdrahal stated the stormwater in one area would go towards the creek. Mr. Papura stated that would be a lot of water and there has been information in the newspapers now that Mechanicville is getting flooded out, all the Board members are aware of this, what are we doing about it as more water is added. Mr. Dean Taylor, of Leyland Development, stated the following. This statement is incorrect because we cannot add more water according to the existing New York State SPEDES and DEC legislation. This project cannot add more water to the system than already exists. Mr. Zdrahal stated the following: Our stormwater management system would have to comply with Town and State standards. Consequently our pre-treatment area flows under existing conditions and these conditions cannot differ. Mr. Papura stated the project does not show any retention basins at all. Mr. Zdrahal pointed out the proposed retention basins on the plans and stated there are areas that are defined as to be deeded over to the Town of Halfmoon as a stormwater area. Mr. Papura stated the following: I questions this because the culvert was shutdown for a couple months and asked what is going to happen in the future with more stormwater runoff. I think there should have been 2 culverts installed there. We have to know where this stormwater is going because it can be a big impact. What kind of traffic studies have been done and who performed the studies because there is lot of traffic on the road? Mr. Zdrahal stated the following: When I was last before the Board there was a question raised about the sight distance and I had the traffic consultant review this and make a recommendation on what should be done. There was a section on Johnson Road where there would be some re-grading done. We are proposing this recommendation in a document for the PDD. Mrs. Wormuth asked Mr. Zdrahal to explain the recommendation and how much of the project would this cover. Mr. Watts stated the following: Part of the problem that the Board and public are facing is that you gave a very brief description of the project. When we hold a Public Informational Meeting, the public has not been at the previous meetings and they have not had the benefit of the history of what is going on. The people who are asking the questions are not aware when we have these brief descriptions of what engineering is going on and what the answers are to these questions that people validly have. Mr. Zdrahal stated the following: A traffic analysis has been submitted for this PDD, which was prepared by Creighton-Manning Engineering. The traffic study conclusion was that this project would not adversely affect the existing traffic

pattern in the area. In addition to that document there was a question raised by the Planning Board about the sight distance situation on Johnson Road. In this regard we submitted a document prepared by CME with a recommendation of what is to be done at that location. Mr. Papura stated the following: I have a turnaround in my driveway but there have been times when backing out of the driveway there could have been an accident. Would there be any sidewalks, are the roads going to be widened and would there be any speed limit signs. Currently the posted speed limit is 40 mph and people who travel this road are doing 60 mph. Mr. Wormuth stated the following: I would like Mr. Zdrahal to explain to the public what the traffic report recommends for the improvement. Then explain whether or not those improvements would be part of this project or whether your understanding or your proposal is that the GEIS contributions that mitigate traffic in this area are covered under this. I do not want the public to think that because the traffic engineer's made a recommendation to what is being done that your statement is that this project would be doing this. I do not think this is how it was presented in the traffic analysis and I do not want these people to walk away from here thinking that this is the proposal because I don't believe it is. I think Mr. Papura is asking what the analysis stated in regards to what needs to be done and how much of that is this project actually supporting. Mr. Zdrahal stated the following: Warning signs were recommended for the sight distance issue on Johnson Road. Mr. Taylor stated the following: CME performed an existing conditions analysis and I will give you a copy of this document for your perusal. CME did a study that basically counted the cars per day. For example, the average existing condition was about 955 vehicles per day that go by this site. The study was done for the AM peak hour and the PM peak hour. Based on the standards that are developed by the Institute of Transportation Engineer's, based on the 955 vehicles, there would be 18 more vehicles entering and 56 vehicles exiting during the AM peak hours for a total of 74. In the PM peak hour there would be 62 vehicles entering and 37 vehicles exiting for a total of an additional 100. There is going to be more traffic during the day but the concerns here are where most of the traffic is going to be. I don't think that 2:00 PM is a major problem there but the concern is the bulk of the traffic that comes through. This particular project is going to be adding to an already existing condition of 1000 a day, approximately 100 in the morning and 100 in the evening. CME made an analysis that 75% of the traffic is probably going to be entering at Johnson Road and 25% would be coming through McBride Road. 75% of the traffic is coming by the Johnson Road area. With all these standards, their determination is that the project is not going to have a significant impact on the traffic. However, there were some other items that came up and one was on the sight distance. I purchased the lot from Matthew that is located where Staniak Road comes in because placing the road any other place could have had an adverse impact on sight distance. So, there has already been some mitigation to the traffic conditions. Another condition that was mentioned was the bump in Johnson Road, which had been lowered a few years ago. The traffic consultant said we should identify the dip in Johnson Road with signage so that the general public going through would be aware of that. The question now is; was this going to slow down most traffic? This project is not going to stop the people that are already speeding on the road. The traffic consultant spent most of the time on the sight distance issues. Mr. Papura stated Mr. Taylor mentioned the 100 cars in the morning and the 100 cars in the afternoon were based on the current cars at this time. Are they taking into consideration the visitors that come to the homes in this area and the golfers that come to the Fairways? We still have the problem in terms of not just signage but in terms of probably widening the road and cutting down the sight distances that are still bad. The sight distance in front of Ed Ciepiela's farm is horrible. As you crest the hill past my house, you still can't see what is coming in the opposite direction. Again, most cars are traveling over 40 mph,

which is 75% to 85% of the traffic, and there is going to be a collision or something at this proposed 4-way intersection. I don't have a problem with the Fairway intersection, but something has to be done to slow the traffic down, either with a 4-way stop or whatever because there are going to be problems. Mrs. Spruce Krier, 89 Tabor Road, stated the following: I would like to add to what Mr. Papura's has been saying and what the Board has already heard before. We live downstream of this proposed development and this development is going to add that many more cars. All the traffic in route to Exit 10 would be coming right through this area. The sight distance is very poor, the cars are speeding and the curves and the roads are in bad shape. We need some assistance whether it is by the developers to straighten out these roads in the infrastructure of this Town or whether it is the Town. As these developments go on it is increasingly difficult and unsafe to travel the roads or even exit our driveways. It is very hazardous at all times of the day and very unpredictable and this goes on into the night. There are a lot of us that are dealing with the same issues as Mr. Papura and I have mentioned tonight. Just because there were only 2 people speaking up tonight, I hope that people will know that a lot more people than this would be affected. Mr. Zdrahal stated in addition to the condition on Johnson Road we are proposing to add a 20 FT wide right-of-way along the entire project for possible improvements that may be necessary in the future. Mr. Taylor stated the following: To alleviate some of the existing conditions, one of the items that we looked very hard at is where that turn came around and some of the conventional wisdom was that keeping that turn did help slow traffic down. But as Mr. Zdrahal has mentioned, in the event that something needs to be done with the improvements, we have allocated some land that would be deeded. In addition to that, in the Northern Halfmoon GEIS study area; there are traffic mitigation fees that each lot has to pay. I don't know exactly how much of the fees from this project are going to go toward traffic mitigation and culvert pipe improvements. I do know that the total fees paid by this project are somewhere in the \$250,000 to \$300,000 range. Because this project is a PDD, the Town Board and the Planning Board can impose fees on us to help mitigate things. In addition to the approximate \$200,000+ GEIS fees, this project is contributing \$92,000 toward future improvements such as what we are talking about here tonight; however, it is the Town's discretion to use the funds as they see fit. There would be some benefits to this project. Yes, this project will create more traffic. The AM/PM peak hour that we mentioned is over a 2-hour period. The homes that we are proposing would break down to 50 cars, which is an additional car every 1+ minute. Mr. Papura asked how they were going to fix the roads once the development goes in because the last development that came in completely destroyed Johnson Road and I don't feel \$200,000 is going to cover the improvements. Mr. Taylor stated the following: There would be \$200,000 plus other fees and this 92-lot subdivision alone can't fix someone else's sins. Our discussions were that we were going to contribute another project that would contribute a substantial amount of money toward traffic improvements in the Town. One small project cannot pay for all the improvements in the Northern Halfmoon GEIS. The Northern Halfmoon GEIS was done so that each project contributes and there is a pool of money available so you could do substantial improvements when that particular situation arises. Correct me if I am wrong. Mrs. Wormuth stated the following: The GEIS identifies certain areas for that money to go to and without looking at the actual plan in front of me, I can't tell you if straightening out Johnson Road or if the culverts are part of it. We can look at this and get you this information. I want people here to realize that the money comes in over a period time. If a project is approved and the plans are stamped, a check is not written for the GEIS fees at that time. These fees come in as the project is developed which is one of the reasons why we have this fund. You haven't seen any of the improvements being done because as the houses are built this is when the fees are

collected. That is one of the impacts where you are not seeing the improvements right away. What Mr. Taylor has been saying is yes, this money is earmarked for improvement but the Town doesn't have access to it yet. You will not see immediate improvements for the benefit that you are looking for. Mr. Taylor stated the idea here is that the funds are incremental and as the projects go in the money will be there. Mr. Watts stated the following: This is a PDD and a Public Informational Meeting. We listen to what goes on and if we have enough information we would make a decision to pass the project on to the Town Board. If we think there are still issues and we have not gotten answers to our questions, then we may hold off and let the applicant come back with answers to the issues raised at the Public Informational Meeting. This is how the process works. Just because there may have been 2 or 3 Planning Board Meetings discussing a particular project, that doesn't mean that we know all and see all. This is why we have Public Informational Meetings so people can come in, raise questions for the applicant for the Planning Board to hear and then we go forward from there. I also believe that the Town Board has scheduled a Public Hearing relative to fee raises for the February 6, 2007 Town Board meeting. At that time the Town Board is proposing fairly substantive fee increases in fees paid for the GEIS, fees that are paid for plan submissions for review and for building inspections also. This is because any of these improvements that would need to be made cost money and everything cost more today. Some of these fees have not been raised in a while. Some people may think the increases are too little and some may think they are too much and it is up to them to make that decision based upon the input the people are going to get. Mr. Taylor stated the following: At previous Planning Board meetings when the Northern Halfmoon GEIS area was discussed, there was an overall traffic study done and we did a traffic study before we presented this project. At that time the traffic study was not up to snuff and the Board asked us to go back and redo the study. In essence, there has been a traffic study that has been looked at and then a third traffic study. Mr. Papura stated the following: I was present at the previous meetings and I have reviewed the study. I have some background in this nature and this is why I am raising these questions that are very concerning to me. We talked about the improvements that can be done after the fact with the funds for the GEIS but what I am concerned about is how long does a road have to suffer and what is the time allotment for the project from start to finish and then the roads. This is the same question I asked about all these beautiful new houses down in the Fairways of Halfmoon. Okay, these homes are going to look great and they will add to our tax base but what happens when we add kids in the schools and now the classes are overcrowded. This would take another 10 years of planning to get those classrooms expanded. It seems to me like a fluff over just to get the project through. I want some real hard answers. I realize that this project is in the early stages, but these are the questions that I am going to have for the February 6, 2007 Town Board Meeting. Mr. Watts stated the following: For the last 5 years we have been providing information to the 3 school superintendents that have school districts in the Town of Halfmoon indicating the commercial and residential activity either proposed or approved in the Town. We send them spreadsheets with information relative to what is going on so they can plan ahead. I found it refreshing that Dr. Robinson, the new Superintendent for the Shenendehowa School District, and the Shenendehowa School Board dealt with that issue at a meeting with the Town of Halfmoon. You may have read in the newspaper recently that Shenendehowa Schools is looking at the acquisition of some land in Halfmoon for a school. I would like people to understand that of late we go well beyond what people expect and the people have a right to expect. We do have an obligation to provide that information to these people and I do feel the Shenendehowa School District is now actively looking for land for a school campus in the Town of Halfmoon. A few years ago Shenendehowa decided that they didn't want a campus in the

Town of Halfmoon and there were many people who were extremely disappointed from the Town Board and the Planning Board because the Town had offered to donate land for the construction of the school. There are things going on to look at those issues. Mr. Papura stated this project's land encompasses the Mechanicville School District. Mr. Taylor stated the following: This particular project is a dream for what you just mentioned because 70 of the lots are under a full Homeowner's Association and the homes are going to be designed with first floor master suites. We are aiming at the empty nester market. Less than 3% of the households would have children going to school. We would have 70 houses that are going to be contributing school taxes with very little impact on the schools. Mr. Papura stated this was stated the last time and we hope for that. Mr. Taylor stated the following: I can only go by what the past history is and it is 3%. Most people that are younger probably don't have a disposable income, they have children in school and they want to take care of their own maintenance and their own landscaping. This particular project is aimed at empty nesters and that is the best we can do. We can't wave a magic wand and make all the problems go away with this one project. For the points you bring up, I think that this project is really a benefit. Mr. Papura asked if some of the lots were located in the Shenendehowa School District. Mr. Taylor stated yes, there are 22 lots that are not for empty nesters and these lots are in the Shenendehowa School District and the 70 lots that are in the Mechanicville School District are aimed toward the empty nesters and this is really where the market is. Mr. Watts closed the Public Informational Meeting at 7:38 pm. Mr. Roberts stated some very legitimate concerns have been raised and I would like to see Mr. Zdrahal take steps in addressing the stormwater management issues and take a better look at the drawings regarding this. Mr. Berkowitz stated the traffic study was done about a year ago and they went over the existing conditions and asked if they had gone over any future conditions with other subdivisions going in off of Pruyn Hill, Johnson Road and McBride Road. Mr. Zdrahal stated they would have to look at this issue. Mr. Higgins asked what the elevation would be on the emergency access road because we feel that this is going to be a steep elevation. Mr. Zdrahal stated the emergency access would be drivable, but I cannot tell you what the exact grade would be but it is possible to drive there. Mr. Higgins stated the following: Possibly doing it and sensibly doing it may be two different things. Is there any other place where it could be located? Mr. Zdrahal stated this is not a bad location because it goes through the low part of the land as far as grade. Mr. Higgins asked if there would be any future access potential for the Lands of Sligh which is to the west of this project. Mr. Zdrahal stated they could not go that way because there was a very substantial elevation in the area. Mr. Higgins asked if there were substantial wetlands to the west of the emergency access road. Mr. Zdrahal stated yes. Mr. Polak asked Mr. Zdrahal if he could do a profile of the emergency access road so we could have our fire departments review this because we want to make sure that the road would be accessible for emergency equipment. Mr. Zdrahal stated he could do this. Mr. Higgins stated he noticed that they moved the trail from the original location and asked if this was something that the Halfmoon Trails Committee requested. Mr. Zdrahal stated there are internal trails that are proposed for the development and there is a public trail on the east side of the site that the Trails Committee has reviewed. Mr. Papura asked if the trail next to Chester Ciepiela have to be so close and if so, could they do buffering so these people can have some privacy. Mr. Zdrahal stated the trail could be moved to another area. Mr. Watts asked if the land in the lower right hand corner of the project was protected land and of these protected lands how much of it is delineated wetlands? Mr. Zdrahal stated he did not have the number on the wetlands but there is very substantial uplands in that area. Mr. Watts stated he would like to know how much of the area is wetlands and asked if they could provide this information for the next meeting. Mr. Zdrahal stated the

wetland area is stated in a document. Mr. Watts stated the following: There have been some inquiries and I think our engineer's want to take a look at some of the wetland issues that have been raised and the drainage issues. Mr. Lockwood stated CHA has not seen a stormwater management report as of yet. Mr. Zdrahal stated the stormwater management report would be done when they submit the project for preliminary approval. Mr. Polak asked if the stormwater management basins would be interconnected. Mr. Zdrahal stated no, the basins would flow to different areas. Mr. Papura asked if any of the stormwater basins were going to take advantage of any infiltration? Mr. Zdrahal stated with the stormwater on this property I don't see that as a viable option. Mr. Ruchlicki stated the following: I feel the absorption rate will not be there because of the elevation of the property, the valleys and because the houses are located on the high flat land. You are going to have to over detain so that the discharge does not affect the creek and the culvert. The discharge is going to be substantial because there is no latitude there for the water to land and absorb into the ground. I don't believe your detention areas are going to have the absorption rate that all the acreage that you are sucking up with house lots is going to take care of it and they should keep this in mind. Mr. Zdrahal stated okay. Mr. Higgins asked if they did a conventional layout for this project. Mr. Zdrahal stated yes we did.

This item was tabled for further review of comments received from the Public Informational Meeting regarding the stormwater culvert on Johnson Road, traffic and emergency access profile.

New Business:

07.009 NB Merrill Lynch, 449 Route 146 - Sign

Mr. Tim Prescott, of Ray Sign Inc., stated the following: I am proposing a sign application for Merrill Lynch, which is located in Parkford Square. The sign that would be placed on the front of the building would be internally lit with channel letters that would be 18 SF. Also, the applicant wishes to place a tenant panel on the approved monument sign. I believe we are well within the square footage allowed for this site. Mr. Roberts asked if the light on the sign out front would be shining away from the roadway. Mr. Prescott stated the following: The wall mounted sign is going to be facing the road on the side of the building but there would be a black vinyl overlay, which is called a dual-color that has tiny pinholes in the black, and it barely lights up. It has very soft lighting to break down the impact on the white faces with the neon in it. Mr. Roberts stated he was asking about the monument sign in front. Mr. Prescott stated that sign would be flood lit.

Mr. Roberts made a motion to approve the sign application for Merrill Lynch contingent upon the applicant obtaining a building permit from the Building Department. Mr. Higgins seconded. Motion carried.

07.010 NB Atlantic Testing Laboratories, 22 Corporate Drive – Addition to Site Plan

Mr. Dick Butler, of Butler, Rowland & Mays, stated the following: Mr. Jim Kuhn and Mr. Eric VanAlstyne, representatives from Atlantic Testing Laboratories, are also present for tonight's meeting. I apologize for submitting the commercial site application for this project listing the 22 Corporate Drive address as Clifton Park and not Halfmoon and I will make that correction. We are before the Board for land banked parking. This is a prefabricated metal building that has a small second story area in the front that has been there ever since it was constructed. The building has changed hands once since it was built. Atlantic Testing does soil testing and concrete testing for construction. We are proposing additional corporate offices to be added on

the second floor. The applicant plans on adding a couple more additional employees. I have been at this site a couple of times over the course of development of this project and I have never seen a parking problem and I have always had access to a parking space. As our narrative states the employees that come to the site do not stay on-site during the day. Mr. Kuhn has informed me many times that adjacent buildings at the business park have utilized Atlantic Testing Laboratories parking at various times. I have not heard of any complaints of surrounding neighbors over the use of their parking lot. We are hoping that we can make a case for land banked parking. I don't think there would be a need for additional parking on this site. The site plan that we have submitted does show a potential building addition because this was shown on the original site plan but Atlantic Testing Laboratories has no intention whatsoever of adding on to this facility. If storm drainage becomes a concern, as it always is, although we may not be disturbing more than one acre when we add, there is more land available beyond the parking expansion that we are showing on the plans. Mr. Watts asked what size the parking spaces would be. Mr. Butler stated the parking spaces are 10 FT x 20 FT. Mr. Watts asked if employees would mainly use the parking area. Mr. Butler stated yes, during the day we may have probably 1 space used by visitors that we have in and out during the day. Mr. Watts stated the Board would accept 9 FT x 20 FT for employee parking spaces that would give them more leeway if the need for more parking spaces occurs. Mr. Higgins asked if they had plans to do anything as far as decreasing the buffering in the rear of the building. Mr. Butler stated no.

Mr. Berkowitz made a motion to approve the addition to site plan application for Atlantic Testing Laboratories contingent upon the expansion of office is within the existing structure, parking spaces are land banked and he asked applicant the to submit plans with proposed future building addition removed. Mr. Higgins seconded. Motion carried.

Old Business:

05.127 OB Stone Crest Preserve, Vosburgh Road/Werner Road – Major Subdivision/GEIS (formerly Crescent Hill)

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: Rosewood Home Builders is proposing this application for a single-family residential subdivision. The parcel is 188-acres with 90 proposed single-family residences. The project has potential planning phases and based on our last meeting with the Planning Board, we had received comments from CHA and we have responded to all of their comments. The project is fully designed, all the construction details have been worked out and we have submitted a stormwater management report. We are working with the other agencies in obtaining approvals from the DOH and filing applications with the Army Corp of Engineers. This project connects from Werner Road to Vosburgh Road. We have met with the Town's Trail Committee to discuss ideas for this site. This site is not shown on the Trail's Committee Master Plan but we are proposing to create a link between Werner Road and Vosburgh Road. Further to the north there is an area designated for access to the Passive Town Park. The idea of sidewalks was discussed but in my response I mentioned that because there are proposed residential streets this should provide an adequate link for this project. There is varied topography within this project and we have substantial land preservation areas. We are hoping to accomplish a recommendation by the Board to schedule a Public Hearing for this project. Mr. Berkowitz asked the length of Fort Hill Drive. Mr. Zdrahal stated 1,200 FT. Mr. Berkowitz asked what the fire department regulations were for the cul-de-sac. Mr. Williams stated 1,200 FT maximum with 19 homes. Mr. Higgins stated he had concerns with the access on Werner Road, which is directly adjacent to the existing wetlands and pond. Mr. Zdrahal stated the following: We are proposing stormwater

drainage to the pond and we had Creighton-Manning Engineering review the situation at Werner Road and Cold Spring Drive. We have identified some trees in the Town's right-of-way, which would be removed for sight distance. Mr. Nadeau stated the following: I have concerns with traffic going on to Route 146. I don't think anyone can answer this question, but does anyone know what is considered impact because when we start getting all these projects coming together, I would like to know what that might be. Creighton-Manning does all of the traffic reports and they state that there is never a significant impact. Mr. Lockwood stated the following: I specifically read this traffic study and CME did take into account the background development that would also contribute traffic to the intersections. CME does not just look at the subdivisions one by one and they have all the information for all the subdivisions in Halfmoon. I believe it is CME's standard operating procedure when a new subdivision comes in and it is going to effect certain intersections, CME will look at the other work that they have done with past traffic studies and try to get traffic into it at the same time. The problem with Route 146 isn't so much the amount of traffic that comes from any one subdivision but it is the traffic that is already on it. Mr. Watts stated the following: I have noticed, as has the rest of the Planning Board, the paucity of comments of these traffic studies in terms of significant impacts and all I can do is ask our engineers to have the people on their staff to particularly review the traffic studies. I reiterate that we have done this in the past because one of the other things that we are asking again on projects tonight is the significant review of drainage and issues that we are very cognizant of the fact that we don't want anyone to have a basement full of water and sump-pumps running 24 hours a day. These places have to be engineered in such a way that it alleviates that problem. Mr. Lockwood stated the following: The applicant has submitted the stormwater management report for this particular project and we are in the process of reviewing it. Relative to the standards that are out there now, you have to remember that the stormwater management areas are only designed to handle so much water. Once you go past "so much water", which is the amount of water anticipated by the regulations, you are going to have problems. It is economically prohibitive to design a facility that can handle any amount of water. Mr. Watts stated the following: I understand. I know that significant work went into alleviating concerns of residents in the Ponderosa area near the Ellsworth Landing project. Mr. Polak stated that Creighton-Manning is working for the developer and the developer is paying CME to hear the right answers so we really need to look beyond some of these studies. Mr. Nadeau asked where is the threshold? Mr. Polak stated the following: The GEIS fees plan was made to identify specific intersections and the GEIS fees are out of hand now because it hasn't caught up to the modern building expenses to correct the situations and this is the why the fees need to be raised. Nowhere in the GEIS are there fees that are set aside to develop cross-town arterials or major road improvements. The fees are used for drainage, water and intersections. There is nothing in the fees that would build a new Johnson Road, a cross-town or whatever. Mr. Higgins asked Mr. Zdrahal if Creighton-Manning has recommended re-grading of Werner Road. Mr. Zdrahal stated no, just the shoulder of the road in the right-of-way and this would be shown on their final plan. Mr. Higgins asked if part of this project is the expense to re-grade that. Mr. Zdrahal stated this was correct. Mrs. Wormuth stated the plan was to remove some trees in the right-of-way, not the actual road to change the actual sight distance. Mr. Zdrahal stated we would remove some trees and change the grade of the shoulder of the road, but not the grade of the road. Mr. Ruchlicki stated Cold Springs Road is approximately 100 FT from where your entrance would be and then there would be approximately 50 to 80 FT from Cold Springs Road to the entrance to the day care. Mr. Zdrahal stated the entrance was proposed for that location by the Board's request. Mr. Ruchlicki stated the following: I would like to see Lot #1 eliminated to leave a space due to the

drainage leading to the pond along the side of the day care. Along the border facing Werner Road where parcel "E" is located the whole area in there from your detention basin off of the cul-de-sac runs into the wetland area near parcel "E". I wouldn't want to see that property owner have any more wet conditions than they already have there as far as standing water. Mr. Jeff McCarthy, of Ivan Zdrahal Associates, PLLC, stated that parcel "E" would be retained by the Kapenos, who is a participant in the subdivision. Mr. Ruchlicki asked why they would push all the water off into the parcel because you would never be able to use it after this is done. Mr. McCarthy stated they have no intentions of developing any of that land because it is wetlands to be maintained. Mr. Higgins stated when you build all those houses the drainage would increase the wetlands. Mr. McCarthy stated that a small section of that cul-de-sac is the only area that drains and would discharge at that point into parcel "E". Mr. Higgins asked where lots 37 through 51 would drain. Mr. McCarthy stated the following: There are 7 stormwater management areas on this project and we will be improving the discharge. Currently there is a 12- inch across the road and we are proposing to replace this with a 15- inch. Mr. Ruchlicki stated the Cold Springs Road development already has water issues and now you are going to increase the discharge going underneath Werner Road in that direction. Mr. Zdrahal stated the drainage would go toward the NYSEG site. Mr. Watts asked Mr. Lockwood to look at these issues. Mr. Lockwood stated yes, he would. Mr. Berkowitz asked what is going to prevent the pond from overflowing again. Mr. McCarthy stated CHA has said that you can't contain everything and a big thunderstorm could make it flood. We are creating an adjacent impoundment area to contain additional drainage. Mr. Berkowitz asked if any of the drainage from this proposed development would discharge to that pond. Mr. McCarthy stated the following: No, their drainage is separate. If you look at the detailed grading, it is completely separate and the drainage goes around and drains into the other basin and then it is conveyed across the road.

This item was tabled and asked applicant for a response to SWMA's review.

06.210 OB Halfmoon Jewelers.com, 1686 Route 9 – Commercial Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder's & Associates, is before the Board representing Halfmoon Jewelers.com. Mr. Rabideau stated the following: This site plan has previously been before this Board. Since this time we have addressed CHA's comments. One of CHA's comments was in regards to the sight distance. CHA commented the sight distance was acceptable. Looking north on Route 9 the sight distance is 1,050 FT and looking south on Route 9 the sight distance is 780 FT. We have talked with the NYSDOT and they have no issue with using the existing curb cut. It is my understanding that because of the intensification of the site with additional parking that the site plan would be denied. Mrs. Murphy stated the following: This site is currently pre-existing, non-conforming due both to the size of the lot and the location of the building. The former use was R-1 Residential and this application would bring the site into C-1 Commercial which is what the area is zoned. However, it still is a non-conforming lot and there would be an expansion on that use based on the necessary changes to make the site acceptable pursuant to our code as far as parking spaces, etc. Therefore, this applicant would have to be denied by this Planning Board based on the current zoning. Mr. Rabideau asked if they could receive a positive recommendation to the Zoning Board of Appeals. Mrs. Murphy stated this Planning Board does not give positive recommendations to the ZBA, because they are a separate Board.

Mr. Roberts made a motion to deny the commercial site plan application for Halfmoon Jewelers.com on the basis of an expansion on a pre-existing, non-conforming lot area with area, width and front yard setback. Mr. Higgins seconded. Motion carried.

07.004 OB Nuance - A Boutique Salon, 1383 Vischer Ferry Road – Change of Tenant

Ms. Holly Garofano, the applicant, stated the following: I was at the last Planning Board meeting for a change of tenant application for 1383 Vischer Ferry Road. At that meeting the Board requested a site plan for this application. Mr. Williams stated the applicant has submitted a stamped site plan showing the existing conditions of the site. Mr. Watts asked the applicant to please advertise as being located in Halfmoon. Ms. Garofano stated she would.

Mr. Nadeau made a motion to approve the change of tenant application for Nuance – A Boutique Salon. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 22, 2007 Planning Board Meeting at 8:21 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary